

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE SOUTHERN DISTRICT OF OHIO

3 * * *

4 DEMOND MOORE,

5 Plaintiff,

6 vs.

CASE NO. 1:22-CV-00548

7 NEXT GENERATION

8 HOSPITALITY, LLC,

9 Defendant.

10 * * *

11 Deposition of GAGANPREET KAUR, Witness
12 herein, called by the Plaintiff for
13 cross-examination pursuant to the Rules of Civil
14 Procedure, taken before me, Karen M. Rudd, a
15 Notary Public in and for the State of Ohio, via
16 Zoom at 1297 Cobblestone Chase, Westlake, Ohio,
17 on Thursday, July 6, 2023, at 10:00 a.m.

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<p style="text-align: right;">Page 2</p> <p style="text-align: center;">PAGE</p> <p>1 EXAMINATIONS CONDUCTED</p> <p>2 BY MR. LONG:..... 5</p> <p>3 BY MR. ENGEL:..... 89</p> <p>4 BY MR. LONG:..... 119</p> <p>5</p> <p>6 EXHIBITS MARKED</p> <p>7 (Thereupon, Exhibit A, February 8,</p> <p>8 2021, incident report email, was</p> <p>9 marked for purposes of</p> <p>10 identification.)..... 48</p> <p>11 (Thereupon, Exhibit B, February 8,</p> <p>12 2021, incident report, was marked</p> <p>13 for purposes of identification.)..... 50</p> <p>14 (Thereupon, Exhibit C, statement of</p> <p>15 Rhonda Craddock, was marked for</p> <p>16 purposes of identification.)..... 55</p> <p>17 (Thereupon, Exhibit D, February 9,</p> <p>18 2021, Employee Disciplinary Action</p> <p>19 Form, was marked for purposes of</p> <p>20 identification.)..... 56</p> <p>21 (Thereupon, Exhibit E, March 10,</p> <p>22 2021, Employee Write Up, was marked</p> <p>23 for purposes of identification.)..... 61</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 REMOTE APPEARANCES:</p> <p>2 On behalf of the Plaintiff:</p> <p>3 Spitz Law Firm</p> <p>4 By: Samuel L. Long</p> <p>5 Attorney at Law</p> <p>6 710 East Main Street</p> <p>7 Suite 104</p> <p>8 Lexington, Kentucky 40502</p> <p>9 859 469-6202</p> <p>10 sam.long@spitzlawfirm.com</p> <p>11 On behalf of the Defendant:</p> <p>12 Engel and Martin</p> <p>13 By: Joshua Adam Engel</p> <p>14 Attorney at Law</p> <p>15 4660 Duke Drive</p> <p>16 Suite 101</p> <p>17 Mason, Ohio 45040</p> <p>18 513 445-9600</p> <p>19 engel@engelandmartin.com</p> <p>20 ALSO PRESENT REMOTELY:</p> <p>21 Trisha Breedlove</p> <p>22</p> <p>23 * * *</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 (Thereupon, Exhibit F, March 13,</p> <p>2 2021, Authorization for Light Duty,</p> <p>3 was marked for purposes of</p> <p>4 identification.)..... 65</p> <p>5 (Thereupon, Exhibit G, March 15,</p> <p>6 2021, statement of Gini Kaur, was</p> <p>7 marked for purposes of</p> <p>8 identification.)..... 69</p> <p>9 (Thereupon, Exhibit H, March 18,</p> <p>10 2021, statement of Gini Kaur, was</p> <p>11 marked for purposes of</p> <p>12 identification.)..... 72</p> <p>13 (Thereupon, Exhibit I, statement of</p> <p>14 Nikki Williams, was marked for</p> <p>15 purposes of identification.)..... 75</p> <p>16 (Thereupon, Exhibit J, Defendant's</p> <p>17 Response to First Set of Requests</p> <p>18 for Discovery, was marked for</p> <p>19 purposes of identification.)..... 85</p> <p>20 (Thereupon, Exhibit K, job</p> <p>21 application, was marked for purposes</p> <p>22 of identification.)..... 92</p> <p>23 (Thereupon, Exhibit L, Complaint,</p> <p>24 was marked for purposes of</p> <p>25 identification.)..... 118</p>	<p style="text-align: right;">Page 5</p> <p>1 GAGANPREET KAUR</p> <p>2 of lawful age, Witness herein, having been first</p> <p>3 duly cautioned and sworn, as hereinafter</p> <p>4 certified, was examined and said as follows:</p> <p>5 CROSS-EXAMINATION</p> <p>6 BY MR. LONG:</p> <p>7 Q. Good morning. My name is Sam Long.</p> <p>8 I'm an attorney for the plaintiff, Mr. Moore.</p> <p>9 Before we get started today, I'm going to go</p> <p>10 over some ground rules.</p> <p>11 We have a court reporter here</p> <p>12 taking down everything that's being said, so</p> <p>13 please give your answers out loud, verbally.</p> <p>14 Please avoid shaking or nodding your head.</p> <p>15 Please respond with a clear yes or no instead of</p> <p>16 uh-huh.</p> <p>17 Please avoid using words like he or</p> <p>18 she. Try to use proper names where possible.</p> <p>19 If you need a break at any time today, let me</p> <p>20 know, and we'll go off the record and come back</p> <p>21 when you're ready.</p> <p>22 Lastly, we're trying to create a</p> <p>23 record of everything that's said today, so</p> <p>24 please allow me to finish asking my question</p> <p>25 before you start answering, and I'll let you</p>

<p style="text-align: right;">Page 6</p> <p>1 finish answering before I move on to my next 2 question. 3 If you don't understand any 4 question that I'm asking today, please let me 5 know, and I can rephrase it or repeat it to make 6 sure that you're answering the question to the 7 best of your knowledge. 8 Do you have any questions about 9 those ground rules or issues? 10 A. No. 11 Q. Great. Can you please state your 12 name and spell it for the record? 13 A. Yes. So my full name is Gaganpreet 14 Kaur, so G A G A N P R E E T, and last name is 15 Kaur, K A U R. 16 Q. And what is your birthday? 17 A. [REDACTED] 18 Q. Are you on any medication that 19 could impact the testimony you're about to give? 20 A. No. 21 Q. Is there any other reason why your 22 memory would be impaired today? 23 A. No. 24 Q. What's your current address? 25 A. I already gave that. Do I need to</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Have you ever had your deposition 2 taken before? 3 A. Can you repeat the question again? 4 Q. Have you ever had your deposition 5 taken before? 6 A. Like have I ever been in a 7 deposition? 8 Q. Yes. 9 A. No. No. 10 Q. Have you ever been a party to a 11 lawsuit before? 12 A. Nope. 13 Q. Have you ever been arrested for any 14 reason? 15 A. Nope. 16 Q. And are you currently represented 17 by counsel in this case? 18 A. Yes. 19 Q. What did you do to prepare for your 20 deposition today? 21 A. I did speak with Josh. 22 Q. Don't tell me -- 23 MR. ENGEL: I'm going to instruct 24 the witness obviously not to disclose the 25 contents of communications with counsel, but you</p>
<p style="text-align: right;">Page 7</p> <p>1 give that again? 2 Q. Yes. 3 A. Okay. 1297 Cobblestone Chase, 4 Westlake, Ohio. 5 Q. What's the highest level of 6 education you've completed? 7 A. Master's. 8 Q. Where did you get your master's 9 from? 10 A. The Ohio State University. 11 Q. What was the degree? 12 A. Master's in healthcare innovation. 13 Q. What about your bachelor's, where 14 did you go for that? 15 A. The Ohio State University, a 16 bachelor's in psychology. 17 Q. And when did you graduate from 18 undergrad? 19 A. 2018. 20 Q. And what about your master's, when 21 did you finish that? 22 A. 2021. 2020 it should be. 23 Q. Do you have any other certificates 24 or other training relevant to your position? 25 A. No.</p>	<p style="text-align: right;">Page 9</p> <p>1 can go ahead and ask other questions. 2 BY MR. LONG: 3 Q. Did you review any documents to 4 prepare for today? 5 A. Yes. 6 Q. What documents did you review? 7 A. Whatever is going to be presented 8 today. 9 Q. So the exhibits that I sent to 10 Mr. -- counsel for the defendant? 11 A. Yeah. 12 Q. Did you review any documents on 13 your own to prepare for today? 14 A. Yes, uh-huh. 15 Q. What documents did you review? 16 A. All documents -- 17 MR. ENGEL: Before you answer, I'm 18 just going to caution the witness. Obviously 19 there was work product and conversations with 20 counsel to prepare for this deposition. So to 21 the extent that documents were selected by 22 counsel for the witness to review, that would be 23 covered by the work product privilege. So I'm 24 going to instruct her not to answer this 25 question.</p>

<p style="text-align: right;">Page 10</p> <p>1 BY MR. LONG:</p> <p>2 Q. Did you review any documents that</p> <p>3 weren't provided by counsel for the defendant?</p> <p>4 A. No.</p> <p>5 Q. Did you review any documents</p> <p>6 prepared by individuals other than counsel for</p> <p>7 the defendant?</p> <p>8 A. No.</p> <p>9 Q. When did you start working at Kings</p> <p>10 Inn?</p> <p>11 A. This was back in May of 2020, as</p> <p>12 soon as I graduated.</p> <p>13 Q. So did you work anywhere else</p> <p>14 before then?</p> <p>15 A. I was a student at The Ohio State</p> <p>16 University.</p> <p>17 Q. When you were hired, what was your</p> <p>18 position?</p> <p>19 A. I was -- it's my dad's hotel, so I</p> <p>20 was basically an acting owner on the property,</p> <p>21 and I would say I was a manager, as well.</p> <p>22 Q. How long has your family owned that</p> <p>23 hotel?</p> <p>24 A. I think since 2019.</p> <p>25 Q. So what was your position title?</p>	<p style="text-align: right;">Page 12</p> <p>1 around February where Alex was not coming -- he</p> <p>2 wasn't listening to us at all. He would come to</p> <p>3 work late. He was disobedient, wouldn't listen</p> <p>4 to management, especially me. He wouldn't</p> <p>5 listen to me. He was very disrespectful, rude</p> <p>6 to staff, as well as guests.</p> <p>7 So after multiple meetings, after</p> <p>8 multiple warnings, we just had to let him go.</p> <p>9 It was affecting our day-to-day operations. But</p> <p>10 this all started around February.</p> <p>11 BY MR. LONG:</p> <p>12 Q. When did you make the decision to</p> <p>13 terminate his employment?</p> <p>14 A. On the 26th, uh-huh.</p> <p>15 Q. Who was involved in that decision</p> <p>16 besides yourself?</p> <p>17 A. It was -- I had a general manager</p> <p>18 at that time. So it was Nikki Williams, uh-huh.</p> <p>19 Q. Was there anybody else involved in</p> <p>20 that?</p> <p>21 A. No.</p> <p>22 Q. Did you discuss it with your</p> <p>23 parents or --</p> <p>24 A. No.</p> <p>25 Q. So who is the owner exactly for the</p>
<p style="text-align: right;">Page 11</p> <p>1 A. I was an owner and a manager.</p> <p>2 Q. What kind of duties did you have in</p> <p>3 that role?</p> <p>4 A. So with my day-to-day operations, I</p> <p>5 was in charge of payroll. I was in charge of</p> <p>6 hiring employees. I was also handling all the</p> <p>7 front desk operations, as well, anything in the</p> <p>8 background with hiring, HR, and just making sure</p> <p>9 supplies were there. So just day-to-day</p> <p>10 operations there.</p> <p>11 Q. Did -- does the company have a</p> <p>12 different HR representative for employees at</p> <p>13 all? Would that be things that you handled?</p> <p>14 A. I handled those.</p> <p>15 Q. So the plaintiff in this case,</p> <p>16 Mr. Moore, was terminated on March 16th [sic],</p> <p>17 2021. Can you just walk me through what led up</p> <p>18 to his termination?</p> <p>19 A. What date did you say?</p> <p>20 Q. March 26th, 2021.</p> <p>21 A. Okay, yes. So --</p> <p>22 MR. ENGEL: Objection to the form</p> <p>23 of the question, but you can go ahead and</p> <p>24 answer.</p> <p>25 THE WITNESS: So this started</p>	<p style="text-align: right;">Page 13</p> <p>1 hotel?</p> <p>2 A. It's my dad.</p> <p>3 Q. Your dad?</p> <p>4 A. Uh-huh.</p> <p>5 Q. So you didn't discuss the</p> <p>6 termination with your dad before it took place?</p> <p>7 A. Nope.</p> <p>8 Q. Other than Nikki, did you speak</p> <p>9 with anyone else about terminating Mr. Moore?</p> <p>10 A. No.</p> <p>11 Q. Did you meet with her on the 26th</p> <p>12 to discuss the termination of Mr. Moore?</p> <p>13 A. Yes, we talked about all the</p> <p>14 reports and the statements that we had, and we</p> <p>15 terminated him.</p> <p>16 Q. Did you consider any other possible</p> <p>17 discipline other than termination?</p> <p>18 A. Can you rephrase that for me? What</p> <p>19 was the question?</p> <p>20 Q. Yeah. Did you consider issuing</p> <p>21 alternative discipline other than terminating,</p> <p>22 for instance, suspension, or something like</p> <p>23 that?</p> <p>24 A. No. We already had been down that</p> <p>25 path for two months. We sent him home a couple</p>

<p style="text-align: right;">Page 14</p> <p>1 times, and it just continued to happen. So this 2 was our last resort was terminating him. 3 Q. So when you terminated him on the 4 26th, did you call him into the office, or where 5 did that take place? 6 A. So it was with my manager and I, 7 and he -- from the documents -- from one of them 8 she has listed what took place that day. But he 9 was going to get fired regardless, but it 10 happened in the -- like it happened right there 11 and then. 12 Like he was being very disruptive 13 that day. He came to work late. He wasn't 14 doing anything. Like that was it. That was 15 when we fired him. But that was going to 16 happen, because he was just being very 17 disruptive, so -- 18 Q. During that conversation, did you 19 tell him why he was being fired? 20 A. He knew why he was getting fired. 21 Q. After that, did you issue a 22 termination letter, anything similar to that? 23 A. No, we did not. 24 Q. When you were discussing it with 25 Nikki, did she have any other thoughts about</p>	<p style="text-align: right;">Page 16</p> <p>1 termination or reason for it? 2 A. I don't think so, no. 3 Q. Did you ever keep any personal logs 4 or notes about his prior discipline or issues at 5 all? 6 A. No, just what I -- what's presented 7 to you here, that was all I had, uh-huh. 8 Q. Did you have any reservations about 9 terminating him for any reason? 10 A. No. 11 Q. Did Nikki express any reservations 12 about terminating his employment? 13 A. No. 14 Q. So when you had this meeting with 15 him and you told him he was being terminated, 16 what was his response? 17 A. He was combative [sic]. Like he 18 started walking around. He just left. He 19 didn't even talk to us when we told him that. 20 So that's when all that took place. 21 He was just reckless. Like he 22 would go -- he would just start -- his behavior 23 was very unpredictable. We just didn't know 24 what Alex we would get every day. 25 So, I mean, these are all the</p>
<p style="text-align: right;">Page 15</p> <p>1 whether or not to terminate Mr. Moore? 2 A. No. 3 Q. So she was in agreeance with you 4 that he should be terminated? 5 A. He should be terminated, yep. 6 Q. Did she say why she thought that he 7 should be terminated? 8 A. Just based on that two months and 9 everything that unfolded on that day, we -- 10 that's why we fired him. He was not -- he was 11 disruptive. He was disobedient, did not listen 12 to us. And that was -- like I said, we just 13 couldn't keep -- we couldn't tolerate that 14 behavior anymore at our workplace, so we had to 15 fire him. 16 Q. Do you recall in specific what 17 happened that day before the termination? 18 A. I don't remember all the details, 19 but from what I remember, it is listed in one of 20 those exhibits, and that was 1:22-cv-00548 21 DEF30. So this is exactly what happened during 22 that day, and so if you want to read that. 23 Q. Okay, we'll go over that later. 24 Other than that document, did you create any 25 documents that day or any notes about the</p>	<p style="text-align: right;">Page 17</p> <p>1 events that folded that day -- unfolded that 2 day. So he would call me racist like prior to 3 that, but he was just -- it was coming. He did 4 not react well, if that's what you're looking 5 for. He did not react well. 6 Q. When did he call you racist? 7 A. On -- it was in one of -- the 8 documentation on February 9th, on one shift 9 where I was there, and he called me racist 10 multiple times, didn't listen to me. 11 Q. Did he call you racist at any other 12 point? 13 A. Can you rephrase that question 14 again? 15 Q. Yeah. Did he ever say at any other 16 times that you were racist? 17 A. No, that's the only event that I 18 know -- only time I know, uh-huh. 19 Q. So you said he just left the 20 meeting and started walking around. Where did 21 he go? 22 A. In the hotel. He was walking 23 around the rooms, and he just -- he was not 24 listening to us. So eventually he came down, 25 and then he started talking to my manager, and</p>

<p style="text-align: right;">Page 18</p> <p>1 that's when kind of events unfolded. Like we 2 just had to fire him, uh-huh. 3 Q. So who did he talk with? Would 4 that be Nikki who he talked with? 5 A. Yeah, but I was there. I was 6 witnessing everything. 7 Q. Okay. So you had the discussion 8 with him, and then he left and walked around, 9 and then he came back for another discussion, or 10 was there just one discussion? 11 A. I think he was -- that day he was 12 going around. Like he left our conversation, so 13 we started looking for him. We couldn't find 14 him. So then he came down. He started -- he 15 started arguing with the manager. They worked 16 previously. So I guess he started calling her a 17 dirty bitch. He called her a bitch, and then 18 that was it. Like we just -- like you're being 19 combative. You're threatening us. We need to 20 have you leave the premises now, so -- yeah. 21 Q. So did he leave after that 22 conversation? 23 A. Yeah, he left, and he said I will 24 fucking sue you, or something like that. You 25 can't fire me, blah, blah, blah. Yeah.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. When you were working at Kings Inn, 2 did you have the ability to discipline 3 employees? 4 A. Yes, uh-huh. And so did my 5 manager, uh-huh. Yeah. 6 Q. If you wanted to issue discipline 7 to an employee, could you just walk me through 8 the steps you would take to do that? 9 A. We would usually have a meeting, 10 and we would talk about the discipline or the 11 action that has happened that we were 12 disciplining you for. And then we would write 13 everything down on a paper, and then we would 14 sign it, and he would sign -- like the employee 15 would sign it, as well, so -- yeah. And after, 16 you know, a few warnings, if it doesn't work 17 out, then, you know, that can lead up to 18 termination. 19 Q. Does Kings Inn have an actual 20 employee handbook? 21 A. Yes, we do. Uh-huh. 22 Q. Is there a progressive discipline 23 policy in that handbook? 24 A. I don't know. I don't recall. 25 Q. During your time when you were</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Did you have any discussions with 2 Nikki after that happened about the termination 3 or what he said? 4 A. No. I said yeah, he's fired. I 5 mean, his behavior was like this for two months, 6 so we couldn't tolerate that anymore. 7 Q. After that day, did Mr. Moore ever 8 contact you or Nikki about his job? 9 A. No. 10 Q. Are you still currently working in 11 the same position there? 12 A. No. 13 Q. When did you leave? 14 A. I believe it was in May of '21. 15 Q. Why did you decide to leave? 16 A. I just found a job in my field. I 17 helped my dad for like a year, like seven 18 months, eight months. So I was ready to go and 19 do something in my field, yeah. 20 Q. What are you doing now? 21 A. I'm a health analyst at a health 22 company -- organization. 23 Q. So that's completely different than 24 your previous role at Kings Inn? 25 A. Yeah. Yes, uh-huh.</p>	<p style="text-align: right;">Page 21</p> <p>1 working there, did you use a progressive 2 discipline system? 3 A. I don't know. Like I don't know 4 what you mean by that. 5 Q. For instance, you know, the first 6 incident would be a warning, and the second 7 would be a second warning, and then the third 8 would be a termination, or something similar to 9 that. 10 A. Yeah. I would say yes, to an 11 extent we did. But we were also during Covid 12 times, so if employees -- we gave them many 13 chances is what I'm saying. 14 Q. Was it like a formal system, or was 15 it more informal the way you disciplined 16 employees on a case-by-case basis? 17 A. It was formal. It applied to 18 everyone. 19 Q. Did you document all the discipline 20 you issued to employees with written records? 21 A. Yes, uh-huh. I mean, if I didn't, 22 then my manager did, so yes. 23 Q. And that would be Nikki? 24 A. Yes, uh-huh. 25 Q. Would there be anybody else</p>

<p style="text-align: right;">Page 22</p> <p>1 involved in the process of issuing discipline to 2 an employee? 3 A. No. 4 Q. If you wanted to terminate 5 somebody, what would you -- what are the steps 6 you would take to do that? 7 A. Like how it would come to 8 termination? Like what steps? 9 Q. Yeah. Like leading up to the 10 decision to terminate and then performing that 11 termination, who would be involved and what 12 steps would you take? 13 A. Okay. Well, after multiple like 14 warnings, you know, if the behavior doesn't 15 change, then we look at, you know, all the 16 written statements we have, and from there we go 17 and decide like, you know, this is the fifth 18 time this is happening now, like we can no 19 longer continue with this, so, you know, do we 20 want to keep him or do we want to give him 21 another chance. 22 So that's a discussion that I have 23 with my manager. And then from there, we, you 24 know, talk to the employee that's getting 25 terminated. But in Alex's case, he just didn't</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Only one? 2 A. Yes. 3 THE WITNESS: Do you think I could 4 take a break? 5 MR. LONG: Sure. 6 THE WITNESS: Okay. 7 MR. LONG: Five minutes or ten 8 minutes? 9 THE WITNESS: Five minutes is fine. 10 MR. LONG: Okay. 11 (Recess taken.) 12 BY MR. LONG: 13 Q. In your experience there at Kings 14 Inn, do you recall issuing discipline to any 15 employees for any reason? 16 A. Yes, to Alex, like -- and I don't 17 remember, but like he's the one that I remember 18 the most recent, yeah. 19 Q. Do you recall anyone else that you 20 might have issued discipline to for any reason? 21 A. Can you repeat the question again? 22 Q. Yeah. Do you recall anyone else 23 that you might have issued discipline to for any 24 reason? 25 A. No.</p>
<p style="text-align: right;">Page 23</p> <p>1 really want to listen to us, so -- 2 Q. Are there any reasons that you 3 would immediately terminate an employee at Kings 4 Island [sic] instead of going through a 5 progressive policy? 6 A. I'm sorry, can you repeat that 7 question? 8 Q. Yeah. If you wanted to immediately 9 terminate somebody at Kings Inn, what would be 10 reasons that you would, you know, conduct an 11 immediate termination rather than issuing 12 warnings and going through the progressive 13 discipline policy? 14 A. Well, it's like if anyone is being 15 combative, threatening, we just terminate them 16 immediately. We don't need that behavior on our 17 property. 18 Q. In your experience, have you 19 terminated other individuals for being 20 combative or insubordinate or anything like 21 that? 22 A. No. 23 Q. How many people have you had to 24 terminate at Kings Inn in your experience there? 25 A. Only one.</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. When you went off the record, did 2 you speak to counsel for any reason? 3 A. Yes, I did. Uh-huh. 4 Q. What is Kings Inn's policy 5 regarding equal employment opportunity? 6 A. I don't remember. 7 Q. Was that written somewhere in the 8 employee handbook? 9 A. I don't remember. It's been two 10 years. I -- it should be, but I can't say 11 confidently right now since I'm not there 12 anymore. 13 Q. In your role, were you responsible 14 for equal employment opportunity and similar 15 antidiscrimination policies? 16 A. Like, yes, we were aware of those 17 policies, so yes. 18 Q. In your role, were you responsible 19 for informing employees or training employees on 20 these type of policies that the company had? 21 MR. ENGEL: I'm going to object to 22 the form. You can go ahead and answer. 23 THE WITNESS: Can you repeat? Like 24 if I did what? 25 BY MR. LONG:</p>

<p style="text-align: right;">Page 26</p> <p>1 Q. In your role there at Kings Inn, 2 did you have any responsibility to train or 3 inform employees about the company's equal 4 employment opportunity policies and 5 antidiscrimination policies? 6 A. No, I was not doing that. 7 Q. Do you know if anyone else had that 8 responsibility or did that? 9 A. I don't remember. But at the most, 10 my manager was -- Nikki was the most experienced 11 one, so I would have expected her to follow 12 those policies if needed. 13 Q. Do you know if the company's 14 handbook had any policy regarding investigating 15 complaints of discrimination? 16 A. I don't remember. 17 Q. During your time at Kings Inn, were 18 you involved in any investigations of complaints 19 of discrimination? 20 A. No. 21 Q. Did you receive any complaints of 22 discrimination during your time there? 23 A. No. 24 Q. When Mr. Moore said that you were 25 racist, did you interpret that as a complaint</p>	<p style="text-align: right;">Page 28</p> <p>1 just asking you what you have done. Like this 2 has nothing to do with race. That was my -- 3 that's how I responded to him. 4 Q. Did you talk with Nikki about that 5 comment at all? 6 A. I don't remember. I may have, but 7 I don't remember what our conversation was. 8 Q. Do you recall what Kings Inn's 9 policy was regarding accommodations for 10 employees who had disabilities? 11 A. I don't remember the actual policy, 12 but I know for a fact that we did require 13 employees to bring in any forms, any notices 14 that they have from their doctors regarding 15 their disability. 16 Q. So were you in charge of handling 17 that process? 18 A. Both me and my manager, Nikki. 19 Q. So if somebody said, you know, I 20 have a disability, I need an accommodation, can 21 you walk me through the steps that, you know, 22 you would take in response to a request like 23 that? 24 A. Well, we never really were ever in 25 this process. We never really had to really run</p>
<p style="text-align: right;">Page 27</p> <p>1 regarding discrimination -- 2 A. No. 3 Q. -- based on his race? 4 A. No, I think he was lashing out at 5 me since I was asking about his work and his 6 daily duties. 7 Q. Did you share that comment with 8 anybody else? 9 A. No, just in that paper, that 10 written paper that I -- the statement that I 11 had. So my manager saw it. 12 Q. So can you -- so when he made that 13 comment, did he say it directly to you, or did 14 he say it to someone else? 15 A. He said it directly to me. 16 Q. Was there anybody else there at 17 that time? 18 A. No, it was just me. 19 Q. And was he just calling you racist? 20 Did he say anything about anyone else being 21 racist? 22 A. No, he just called me racist. 23 Q. Did you say anything in response to 24 that? 25 A. I said Alex, I'm not racist. I'm</p>	<p style="text-align: right;">Page 29</p> <p>1 through the process, so -- but I would say at 2 the most case, like if they had a disability, 3 they would let us know, and we would provide 4 them full accommodations, uh-huh. 5 Q. So who would be involved in 6 receiving a request like that or considering it 7 or granting an accommodation? 8 A. Both me and my manager, Nikki, at 9 that time, yeah. 10 Q. Do you recall if Mr. Moore ever 11 requested an accommodation for any reason? 12 A. No. 13 Q. So after you said that you 14 requested employees to submit medical 15 documentation, would you be responsible for 16 reviewing that documentation? 17 A. Me and my manager at that time, 18 Nikki. 19 Q. In your experience there, has 20 anyone submitted a request for an accommodation 21 for any reason? 22 A. No, not that I remember, but -- no, 23 as far as I remember. 24 Q. Do you know if there's anything in 25 Kings Island's policies or the employee handbook</p>

<p style="text-align: right;">Page 30</p> <p>1 about relationships, romantic relationships, 2 between employees? 3 A. I don't remember. 4 Q. Do you recall ever discussing that 5 issue with Nikki or anyone else? 6 A. What issue? 7 Q. Potential relationships between 8 employees. 9 A. No. 10 Q. If there had been a relationship 11 between an employee -- two employees, would that 12 have concerned you for any reason? 13 A. I would like to know about it, but 14 that wouldn't have concerned me. 15 Q. What was Mr. Moore's position at 16 Kings Island called? 17 A. So he was working in a housekeeping 18 capacity. So he was -- during Covid times, 19 everybody was working in different capacities. 20 So he was in a housekeeping role, so we had him 21 work as a housekeeper, laundry, and houseman. 22 So that kind of included those three roles that 23 we had for him at that time, so yeah. 24 Q. Was this a supervisory role? 25 A. No, but I think at one point we did</p>	<p style="text-align: right;">Page 32</p> <p>1 kind of started to go downhill with him. 2 Q. So why did he stop working in that 3 role -- 4 A. Because of his -- 5 Q. -- as the housekeeping manager? 6 A. Because of his behavior, his work 7 ethic. He wasn't doing anything in that role, 8 so he was basically milking our clock and doing 9 nothing. So from a day-to-day -- from a 10 management perspective, we just couldn't have 11 that anymore. So we had to let him go for that 12 role, but he was more than welcome to work in 13 other roles. 14 Q. When he was taken out of that role, 15 did you have a meeting with him, or how did 16 that -- how was that informed to him? 17 A. I don't remember. I don't think I 18 was there for that, but I don't remember. 19 Q. You said he was in the position of 20 housekeeper; is that correct? 21 A. Housekeeper. Like anything 22 housekeeping, laundry, houseman. 23 Q. What duties would that position 24 entail? 25 A. Which one?</p>
<p style="text-align: right;">Page 31</p> <p>1 give him a supervisory role when our 2 housekeeping manager was -- she was going to be 3 out for a period of time, so we did hand over 4 that responsibility to him. 5 Q. So he was acting as the 6 housekeeping manager for some time? 7 A. Yeah, he was. Uh-huh. 8 Q. Was that, you said, a temporary 9 basis while the other employee was on leave or 10 something like that? 11 A. Yes. Like we did -- you know, if 12 he -- his work ethic was great, you know, at one 13 point, so like he was doing a good job, but -- 14 so that was temporary at that point, but, you 15 know, if he kept up the good work, we would have 16 maintained his supervisory position. 17 Q. Do you recall when he started in 18 that position? 19 A. I do not recall, but it was around 20 like January, I'm assuming. I don't remember, 21 but around that time. 22 Q. When did he stop working in that 23 role? 24 A. That I don't remember, but it was 25 shortly -- I'm thinking February when everything</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. The -- you know, anything that he 2 was -- I guess basically his whole -- the scope 3 of his job duties there when he was not acting 4 as the housekeeping manager. 5 A. Yeah, so wherever -- during that 6 day, whatever we need him to do. So if we need 7 rooms turned down, if we needed rooms to be 8 stripped, you know, we would assign those duties 9 to everyone. You know, he was not the only one. 10 So stripping rooms, laundry, making sure the 11 carts are filled, cleaning the rooms, and 12 cleaning common areas, as well. 13 Q. How many rooms does the hotel have? 14 A. I don't remember. I can give you 15 an estimate. Like I think it was around -- we 16 had some rooms that were not working, but the 17 whole hotel probably has like 100 rooms, I 18 believe. 19 Q. How many people were in the 20 housekeeping staff? 21 A. We had a few, like three or four 22 people, including Alex, uh-huh. 23 Q. So would they basically split up 24 what rooms had to be cleaned and serviced every 25 day?</p>

<p style="text-align: right;">Page 34</p> <p>1 A. Yes, uh-huh.</p> <p>2 Q. Who was responsible for managing</p> <p>3 the day-to-day assignments?</p> <p>4 A. Our supervisor, Rhonda.</p> <p>5 Q. Would that be Rhonda Craddock?</p> <p>6 A. Yes, uh-huh.</p> <p>7 Q. Is she still in that role?</p> <p>8 A. No.</p> <p>9 Q. Do you know when she left?</p> <p>10 A. I think September of '21, but I</p> <p>11 could be wrong. But I think it's around that</p> <p>12 time.</p> <p>13 Q. Why did she leave?</p> <p>14 A. I don't remember. But she wasn't</p> <p>15 keeping up her duties, as well. I think she</p> <p>16 found another job too. So I don't recall since</p> <p>17 I wasn't on site when she left.</p> <p>18 Q. So was that after you had found</p> <p>19 another job and moved to a different position?</p> <p>20 A. Yeah, so I don't remember.</p> <p>21 Q. So typically how many rooms would</p> <p>22 an employee, a housekeeping -- a member of the</p> <p>23 housekeeping staff have to clean per day?</p> <p>24 A. It was like two an hour. Like</p> <p>25 that's kind of what we had an expectation for</p>	<p style="text-align: right;">Page 36</p> <p>1 duty, what kind of assignments would they be</p> <p>2 given?</p> <p>3 A. So they would still be given a room</p> <p>4 to clean, but we would do some of -- like the</p> <p>5 stuff that they couldn't do. So, you know,</p> <p>6 making the bed, vacuuming, anything that</p> <p>7 required bending, we would accommodate that.</p> <p>8 But depending on their situation. So if they</p> <p>9 can't lift anything, then somebody else would</p> <p>10 lift something, so yeah.</p> <p>11 Q. Other than -- do you recall if</p> <p>12 Mr. Moore ever requested light duty?</p> <p>13 A. Yes, in March.</p> <p>14 Q. Do you recall anyone else ever</p> <p>15 requesting light duty?</p> <p>16 A. I don't remember, but I believe</p> <p>17 someone may have. But I just don't remember,</p> <p>18 yeah. But he was not the first one, yeah.</p> <p>19 Q. Who would be responsible for, you</p> <p>20 know, reviewing that kind of request and then,</p> <p>21 you know, figuring out which job duties they</p> <p>22 could do or couldn't do?</p> <p>23 A. Like who would be involved in that</p> <p>24 process?</p> <p>25 Q. Yes.</p>
<p style="text-align: right;">Page 35</p> <p>1 all the housekeepers is to basically clean two</p> <p>2 rooms an hour, and that's their expectation. So</p> <p>3 it just depends on the day. Like on Sundays we</p> <p>4 had a lot more rooms, because it was the</p> <p>5 weekend. Weekdays we didn't have that many</p> <p>6 rooms. So it just depended on day-to-day and</p> <p>7 how many guests we had.</p> <p>8 Q. Other than actually cleaning or</p> <p>9 changing sheets and things like that, did</p> <p>10 members of the housekeeping staff do any</p> <p>11 paperwork or similar type of work?</p> <p>12 A. Like what do you mean by that?</p> <p>13 Like training, or like anything on the computer?</p> <p>14 Q. Yeah. Like other than just, you</p> <p>15 know, the cleaning or housekeeping, did</p> <p>16 employees have any other duties that, you know,</p> <p>17 didn't require them to stand or lift or, you</p> <p>18 know, move sheets or anything like that?</p> <p>19 A. No. I don't remember, but no.</p> <p>20 Q. In your experience there, have you</p> <p>21 ever had any employees request light duty for</p> <p>22 any reason?</p> <p>23 A. Yeah. I believe I have before,</p> <p>24 yeah.</p> <p>25 Q. And if an employee requested light</p>	<p style="text-align: right;">Page 37</p> <p>1 A. My manager and I and Rhonda, our</p> <p>2 housekeeping manager, to see where we can --</p> <p>3 where we need help.</p> <p>4 Q. So were you involved in hiring</p> <p>5 Mr. Moore?</p> <p>6 A. I was not. It was my manager,</p> <p>7 Nikki.</p> <p>8 Q. Do you know if anyone else besides</p> <p>9 Nikki was involved?</p> <p>10 A. I'm assuming Rhonda, because she</p> <p>11 did interview him, so -- because it's a</p> <p>12 housekeeping role, so I believe Rhonda, as well.</p> <p>13 But I don't remember, but I'm assuming Rhonda,</p> <p>14 as well, uh-huh.</p> <p>15 Q. When somebody gets hired, do you</p> <p>16 play any role in reviewing that or approving it</p> <p>17 before it's finalized?</p> <p>18 A. I would look over the verification</p> <p>19 forms. But I think for the most part like</p> <p>20 Rhonda and Nikki, they worked before, so a lot</p> <p>21 of like the employees that came in they knew.</p> <p>22 So I always trusted their judgment on who they</p> <p>23 were hiring.</p> <p>24 Q. Did anyone ever mention to you when</p> <p>25 Mr. Moore was hired that he had any kind of</p>

10 (Pages 34 - 37)

<p style="text-align: right;">Page 38</p> <p>1 physical limitations at all?</p> <p>2 A. No.</p> <p>3 Q. Do you recall meeting Mr. Moore</p> <p>4 after he was hired?</p> <p>5 A. Yeah, I did say hi to him, yep, but</p> <p>6 he -- I did talk to him, yeah.</p> <p>7 Q. Was that pretty soon after he was</p> <p>8 hired?</p> <p>9 A. Yeah. Like he filled out the form,</p> <p>10 and he was right there, so I did say hi to him,</p> <p>11 uh-huh. Yep, I introduced myself to him,</p> <p>12 uh-huh.</p> <p>13 Q. So did you have a friendly</p> <p>14 relationship with him?</p> <p>15 A. Like throughout the employment?</p> <p>16 Q. Yeah. Initially did you have any</p> <p>17 issues?</p> <p>18 A. Oh, no, not at all. He was</p> <p>19 pretty -- he worked -- like he was pretty nice.</p> <p>20 He worked like other employees. Like he was</p> <p>21 good.</p> <p>22 Q. Did you ever socialize with him or</p> <p>23 talk to him outside of work for any reason?</p> <p>24 A. No.</p> <p>25 Q. So you mentioned that when he</p>	<p style="text-align: right;">Page 40</p> <p>1 those ways you described?</p> <p>2 A. No, I -- all I can think is that,</p> <p>3 you know, when -- later down the road when I</p> <p>4 found out about Rhonda and Alex, they had a</p> <p>5 prior relationship before coming and working at</p> <p>6 Kings Inn, I thought about the fact that she did</p> <p>7 get married around February. So I don't know if</p> <p>8 that had something to do with it. But he was</p> <p>9 good before. Like we didn't have any issues</p> <p>10 with him.</p> <p>11 Q. When did you find out that</p> <p>12 Ms. Craddock and Mr. Moore had had a previous</p> <p>13 relationship?</p> <p>14 A. Like later down the road. Like it</p> <p>15 wasn't anything that -- we didn't think it would</p> <p>16 cause any issue. Like it was later down the</p> <p>17 road like his behavior was very unpredictable.</p> <p>18 But Rhonda wasn't there most of the time, like</p> <p>19 when his behavior was like that.</p> <p>20 So I don't know like why he didn't</p> <p>21 listen to us. He was disobedient. Like he was</p> <p>22 also taken off his supervisory role because he</p> <p>23 wasn't doing all those things, so -- but that</p> <p>24 despite that information, like that had nothing</p> <p>25 to do with it. He was just a bad employee.</p>
<p style="text-align: right;">Page 39</p> <p>1 initially started, his performance was good; is</p> <p>2 that correct?</p> <p>3 A. Yeah, uh-huh. Yeah.</p> <p>4 Q. So when did you notice that there</p> <p>5 was any change in his performance?</p> <p>6 A. February.</p> <p>7 Q. Before that, did you notice any</p> <p>8 issues with his employment -- his performance?</p> <p>9 A. No. I would say it was around</p> <p>10 January, February. I don't know the exact time</p> <p>11 frame, but prior to that, we had no issues with</p> <p>12 him.</p> <p>13 Q. Do you know what happened, why, you</p> <p>14 know, he was a good employee and then he started</p> <p>15 having issues?</p> <p>16 A. I don't know. It was just his</p> <p>17 behavior became unpredictable. It was just</p> <p>18 erratic. I mean, when he was a good employee,</p> <p>19 he was a good employee. But his behavior was</p> <p>20 just erratic. He would yell, scream. Just you</p> <p>21 wouldn't know what Alex would walk through the</p> <p>22 door, you know, once his behavior started being</p> <p>23 unpredictable, so I --</p> <p>24 Q. Do you know any reason at all why</p> <p>25 he was, you know, behaving erratically or in</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. Did anybody raise that -- you know,</p> <p>2 discuss that, their prior relationship, with you</p> <p>3 before he was fired, or was that after?</p> <p>4 A. It was brought up later, but that</p> <p>5 was not the reason he was fired.</p> <p>6 Q. Who told you about what happened</p> <p>7 between them?</p> <p>8 A. Nobody. I don't have any details</p> <p>9 about what happened between them. I think Alex</p> <p>10 is the one who brought it up verbally when they</p> <p>11 were arguing, so that's all I know.</p> <p>12 Q. Did you see them argue, or how did</p> <p>13 you learn about them arguing for any reason?</p> <p>14 A. No, he was arguing -- when we were</p> <p>15 sitting there, he was arguing with us. So it</p> <p>16 was said in front of us that there was a prior</p> <p>17 relationship. I don't remember what was said,</p> <p>18 but that's how I knew that. That's when we</p> <p>19 found out, me and Nikki.</p> <p>20 Q. So he told you about that prior</p> <p>21 relationship at some point?</p> <p>22 A. No, he didn't. Like that's when he</p> <p>23 brought it out, like during one of his</p> <p>24 disciplinary actions I think.</p> <p>25 Q. Okay.</p>

<p style="text-align: right;">Page 42</p> <p>1 A. Yeah.</p> <p>2 Q. So this was a different meeting</p> <p>3 before his termination then?</p> <p>4 A. Yes, I think so. I don't recall.</p> <p>5 But it was brought up at one of those meetings,</p> <p>6 yeah.</p> <p>7 Q. Do you recall what he said when he</p> <p>8 brought up, you know, that they had dated in the</p> <p>9 past or had a relationship?</p> <p>10 A. I don't remember what he said.</p> <p>11 Q. Did you ever talk with Ms. Craddock</p> <p>12 about it?</p> <p>13 A. I didn't, but my manager did.</p> <p>14 Q. Do you know what -- did she tell</p> <p>15 you what Ms. Craddock had said about what --</p> <p>16 A. She told me -- my manager told me</p> <p>17 she asked Rhonda. She goes it was like prior to</p> <p>18 this. It was a long time ago. So this has</p> <p>19 nothing to do with his work -- you know, his</p> <p>20 work ethic right now, so he is just finding a</p> <p>21 reason to blame somebody.</p> <p>22 Q. Do you know if they were involved</p> <p>23 romantically during the time that he was working</p> <p>24 there?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 44</p> <p>1 So we just -- that's how it was</p> <p>2 erratic. Like it just changed. We just didn't</p> <p>3 know what Alex we would get every day. Like</p> <p>4 that's how he changed, yeah.</p> <p>5 Q. Did any other employees ever have</p> <p>6 any complaints about him?</p> <p>7 A. They did, I just don't remember</p> <p>8 what they were.</p> <p>9 Q. Would that be other members of the</p> <p>10 housekeeping staff?</p> <p>11 A. Yeah, like I think -- I think it</p> <p>12 was Rhonda, but I don't remember -- it was</p> <p>13 also -- I had a laundry lady, as well, so, you</p> <p>14 know, there were complaints not just about him,</p> <p>15 but about Rhonda too. So I can't recall. I</p> <p>16 mean, I had complaints with him, so -- because</p> <p>17 he would leave his cart inside the room instead</p> <p>18 of outside the room when he was cleaning a room,</p> <p>19 so we just wouldn't know where he was. And we</p> <p>20 told him multiple times hey, Alex, you have to</p> <p>21 leave the cart outside the room so when we're</p> <p>22 doing our rounds, we need to know where you are,</p> <p>23 what room you're cleaning so we can let our</p> <p>24 front staff know what rooms to mark clean in the</p> <p>25 system. So that's the one complaint I had with</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Did anyone ever report that to you?</p> <p>2 A. No.</p> <p>3 Q. You said that Ms. Craddock got</p> <p>4 married, you said, in February?</p> <p>5 A. Yeah, around -- yeah, in February,</p> <p>6 uh-huh. I don't recall exactly what date or</p> <p>7 time, but around that time frame.</p> <p>8 Q. Do you know any other reasons why</p> <p>9 he initially started as a good performer and</p> <p>10 then later he had issues?</p> <p>11 A. I don't know. He just -- he just</p> <p>12 became a bad -- like he was just a bad employee.</p> <p>13 Like, you know, we gave him multiple chances,</p> <p>14 multiple warnings, and he just didn't change</p> <p>15 after that. So, I mean, he apologized here and</p> <p>16 there, and, you know, we accepted his apology,</p> <p>17 but it just kind of continued, so -- yeah.</p> <p>18 Q. You mentioned that his behavior was</p> <p>19 erratic. In what ways was it erratic?</p> <p>20 A. So like one day he would come and</p> <p>21 be happy, like, you know, be nice, he would be</p> <p>22 all like ready to work, like ready to go, and</p> <p>23 then, you know, the next day he would just come</p> <p>24 in mad, come an hour late, start slamming, you</p> <p>25 know, carts and just doors.</p>	<p style="text-align: right;">Page 45</p> <p>1 him, but --</p> <p>2 Q. What kind of complaints were there</p> <p>3 about Mrs. Craddock?</p> <p>4 A. I think just cleanliness at the</p> <p>5 most. Like that was my complaint. Sometimes</p> <p>6 she wouldn't, you know, look at the rooms as a</p> <p>7 supervisor would. So I would find some things,</p> <p>8 but, you know, that was just like here and there</p> <p>9 cases, yeah.</p> <p>10 Q. Who was the -- you said head of</p> <p>11 laundry. Who was that?</p> <p>12 A. Gerri at that time. She's retired</p> <p>13 now I think.</p> <p>14 Q. What was her last name?</p> <p>15 A. I don't know. I don't remember.</p> <p>16 Q. At some point did Mr. Moore request</p> <p>17 light duty based on physical issues he was</p> <p>18 having?</p> <p>19 A. Yeah, in March he did.</p> <p>20 Q. When he made that request, did you</p> <p>21 meet with him, or did someone else meet with him</p> <p>22 to talk about that?</p> <p>23 A. Yeah, I think it was both of us. I</p> <p>24 don't remember. Both of us, meaning my manager,</p> <p>25 Nikki. So we were involved in that process, but</p>

<p style="text-align: right;">Page 46</p> <p>1 basically we kind of came up with a plan like, 2 you know, he can't lift, he can't do this, but 3 like we can, like I said, make the beds for him, 4 vacuum. So we had somebody else doing that for 5 him, so -- 6 Q. Who was -- who else was involved in 7 that process? You said you and Nikki; is that 8 correct? 9 A. Yeah. Yeah. Uh-huh. 10 Q. Was there anybody else involved in 11 that? 12 A. Like making the decision of -- 13 approving the decision for light duty? 14 Q. Yes. 15 A. No, uh-uh. 16 Q. You said that you reassigned some 17 of his job duties; is that correct? 18 A. Yeah, like vacuuming and making the 19 beds. 20 Q. Who assisted with those duties if 21 he didn't do it? 22 A. Like it was either me -- it was 23 whoever was -- like we were short staffed, so we 24 usually had other housekeepers. Rhonda helped 25 with that too. But I don't -- it was somebody.</p>	<p style="text-align: right;">Page 48</p> <p>1 A. I don't remember. 2 MR. LONG: All right. I'd like to 3 introduce my first exhibit. I'm marking it as 4 Exhibit A. I'll share it on the screen here. 5 (Thereupon, Exhibit A, February 8, 6 2021, incident report email, was marked for 7 purposes of identification.) 8 BY MR. LONG: 9 Q. Can you see this document? 10 A. Uh-huh. 11 Q. It's an email entitled Incident 12 Report. Can you please read that? 13 A. Yes. Sorry, let me move this. 14 Okay. This statement is in reference -- 15 Q. You don't have to read it out loud. 16 Just -- 17 A. Oh, just read it, okay. I'm glad. 18 Sorry. Okay. 19 Q. Have you seen this email before? 20 A. Yes, it was sent to me and my 21 manager. Uh-huh, yep. 22 Q. After you received this email, what 23 steps did you take in regards to the report? 24 A. So we did a verbal warning. We 25 talked to him. And I also -- this happened on</p>
<p style="text-align: right;">Page 47</p> <p>1 We had somebody do it, I just don't remember 2 who. Like it was a bunch of different people 3 helping him. 4 Q. Do you recall if he requested any 5 other type of accommodation or change in his job 6 duties? 7 A. No. 8 Q. Were there any issues with 9 providing the light duty request that he made in 10 terms of staffing? 11 A. No. 12 Q. So before January 2021, you're not 13 aware of any issues that Mr. Moore had at work? 14 A. No. 15 Q. When did you -- when do you recall 16 the first issue with him occurred? 17 A. I think in February. Like just 18 problems with him in general? 19 Q. Yes. 20 A. I think February, but I'm not sure 21 when it all started, but that's when I first 22 documented him. 23 Q. Are you aware of any incidents 24 prior to the first documentation that he had at 25 all?</p>	<p style="text-align: right;">Page 49</p> <p>1 2-6-21. I also wrote my statement, as well, 2 because I was there, as well. So we did talk to 3 him after with Nikki, as well, and gave him a 4 warning. 5 Q. So did you speak with him on the 6 same day that this happened, or when do you 7 recall speaking with him? 8 A. I don't remember. It was like a 9 few days where he was having this behavior where 10 he was not doing any tasks, coming in late. So 11 this was multiple days, so -- yes. 12 Q. When you met with him to discuss, 13 you know, her report here, what did he say? 14 A. He was -- I don't remember what was 15 said. It's been two years. But I know for a 16 fact that he was angry and combative, so I 17 just don't remember what was said. 18 Q. Did he mention anything about being 19 physically unable to do any of those tasks? 20 A. He didn't say that. Like he didn't 21 say any -- like his impairment. He didn't say 22 anything to do with that. 23 Q. Did you speak with Ms. Craddock 24 after she sent this to you? 25 A. Yeah, we talked that day. Like she</p>

<p style="text-align: right;">Page 50</p> <p>1 sent that report that night to me because I 2 wanted her also to send me something written. 3 Q. What did she say about what had 4 happened, you know, if you recall? 5 A. I don't remember, but this is -- to 6 an extent what's written is what happened, and 7 that's how she told me, uh-huh. 8 (Thereupon, Exhibit B, February 8, 9 2021, incident report, was marked for purposes 10 of identification.) 11 BY MR. LONG: 12 Q. All right. I'm going to go to 13 Exhibit B, and this is the incident report. 14 A. Uh-huh. 15 Q. Yes. 16 A. I'm sorry, I was agreeing with you. 17 Yes. 18 Q. Please read over this. 19 A. I read it. 20 Q. Do you know who wrote this up? 21 A. This was me. I wrote this up. 22 Q. Do you recall when you wrote it? 23 A. On February 8th. 24 Q. So the same day that it was 25 reported to you?</p>	<p style="text-align: right;">Page 52</p> <p>1 instructions he was given. What did he say 2 about why he didn't make any beds, if he gave a 3 reason? 4 A. Well, he left without giving me the 5 list. Like he never talked to me before he 6 left. This was how he was. He would leave 7 without giving us a list. So I would have to go 8 back and check what rooms were cleaned, what 9 rooms were not cleaned. Some rooms didn't have 10 towels, so I had to go put towels -- I had to 11 clean up after him that day. 12 Q. So what's the -- how do you manage, 13 you know, what tasks need to be done or what 14 needs to be still completed? I know there's 15 mention of boards somewhere. Can you just 16 explain to me what that -- how that process 17 works? 18 A. Like they get a list usually of 19 what rooms need to be cleaned, and he had -- 20 from this -- reading this, he had ten rooms that 21 day. So he had plenty -- and he was there for 22 ten hours. So he should have had plenty of time 23 to clean those rooms, so -- 24 I'm sorry, let me take a -- sorry, 25 I'm going to step back. I didn't read that</p>
<p style="text-align: right;">Page 51</p> <p>1 A. I believe so, but -- yeah. It 2 could have been the next day. I don't remember. 3 But it -- it's one of those, because it started 4 that week, so I -- it's one of the days where 5 Rhonda wasn't there. 6 Q. In this paragraph here, it says he 7 was making rude comments. 8 A. Uh-huh. 9 Q. Do you recall what he said? 10 A. I don't remember what he said, but 11 he was just being rude. Like he said something, 12 I just don't remember what. 13 Q. It says here that he was 14 complaining about the towels not being washed. 15 Do you recall anything he said about, you know, 16 that issue? 17 A. I was -- we didn't have a laundry 18 lady that day on the weekend, so I was doing the 19 laundry. I told him Alex, I'm washing those 20 towels for you so you will have those towels. 21 That was it. But he was like -- I told him I 22 would have clean towels for him, but he just -- 23 he was complaining about it to me. 24 Q. And at the bottom here, it says 25 that he did not make any beds per the</p>	<p style="text-align: right;">Page 53</p> <p>1 correctly. He only stripped three to four rooms 2 out of the ten he was given. So he was supposed 3 to be stripping rooms that day. I believe he 4 was also cleaning. I don't remember the 5 details, but he was cleaning rooms that day from 6 what I remember. 7 But they're usually given a board, 8 and then they let us know what they've cleaned. 9 And then usually we go back and see, you know, 10 what needs to be put into rooms, what is not in 11 the rooms. 12 Q. You said a board. Is it like a 13 whiteboard or -- 14 A. It's like a list they're given. 15 It's printed out -- 16 Q. Okay. 17 A. -- sorry, if that's what you're 18 asking me. 19 Q. Like a printed sheet of paper? 20 A. Yeah, a printed sheet of paper that 21 says what rooms are dirty, yeah. 22 Q. In terms of employees, do they 23 clock in and clock out? How does that -- 24 A. Yes, they clock in and clock out. 25 We had a little machine in the laundry room, and</p>

<p style="text-align: right;">Page 54</p> <p>1 they would have like a card, and they would 2 timestamp in, timestamp out. 3 Q. So like the old-fashioned like 4 stamp time? 5 A. Yeah. 6 Q. Okay. 7 A. Yeah. 8 Q. And you said -- did he leave 9 without actually clocking out, like stamping 10 out? 11 A. No, he clocked out, but he never 12 gave me a list. Like he's supposed to report at 13 the end of the day, you know, hey, this is what 14 I've cleaned, this is what I've done, you know, 15 just before he left. Like, you know, Gini, do 16 you need anything, just those things. They're 17 required to do that before they leave, and he 18 never did that. 19 Q. Was he working 40 hours a week? 20 A. It depended. I think for most time 21 he was working 40 hours. He wanted 40 hours, as 22 well, so we gave him 40 hours. But I don't 23 recall at all like how his hours fluctuated, 24 but -- I don't remember. Because we also didn't 25 have -- you know, if there was nothing to do</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. Do you know when Ms. Craddock wrote 2 this and signed it? 3 A. I actually don't remember, but I 4 think it was around maybe March, I believe. But 5 I know there's no date on it, but it is after 6 2-8 is what I can tell you. 7 (Thereupon, Exhibit D, February 9, 8 2021, Employee Disciplinary Action Form, was 9 marked for purposes of identification.) 10 BY MR. LONG: 11 Q. Okay. All right. Let's move to 12 Exhibit D. This is the disciplinary form for 13 2-9-21. Can you still see it okay? 14 A. Yes, I can see that. Uh-huh, yes. 15 Q. So who filled this form out? 16 A. It looks like -- I'm not sure. 17 Like I signed at the bottom. I think it was 18 Rhonda, I think. My manager also signed at the 19 bottom, so I'm not sure. 20 MR. LONG: Can we take a break? 21 Like five minutes would be good. 22 THE WITNESS: Okay. 23 MR. LONG: Thanks. 24 (Recess taken.) 25 BY MR. LONG:</p>
<p style="text-align: right;">Page 55</p> <p>1 that day, then we would send them home early. 2 So I just don't remember. 3 Q. For housekeeping staff, did they 4 work like a set 9 to 5 schedule, or like what 5 was their schedule? What were their schedules 6 like? 7 A. Yeah, most of the time like 9 to 5, 8 but they would start at 7 sometimes just 9 depending on who could get there first. 10 Q. Was there someone there overnight, 11 like housekeeping staff 24/7, or -- 12 A. It was usually me if somebody 13 needed anything. I mean, I was cleaning rooms 14 if needed. I was there. 15 (Thereupon, Exhibit C, statement of 16 Rhonda Craddock, was marked for purposes of 17 identification.) 18 BY MR. LONG: 19 Q. All right. I'm going to introduce 20 Exhibit C here. Can you see this document? 21 It's signed by Rhonda Craddock at the bottom. 22 A. Yes, uh-huh. 23 Q. Please read that. Have you ever 24 seen this document before? 25 A. Yes, I have.</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. Can you see this document, the 2 employee disciplinary action form? 3 A. Uh-huh. Yes. 4 Q. So you testified that you didn't 5 complete this, correct? 6 A. No. 7 Q. And you said that it would have 8 been Ms. Craddock who would have completed this? 9 A. Either Nikki or Rhonda. 10 Q. When an employee received this kind 11 of form, do you typically fill it out, or would 12 the -- 13 A. Either one. Like the manager would 14 fill it out. We also would work together to 15 fill it out with the employee, as well. But he 16 refused to sign and include -- he didn't want to 17 write his side, so -- 18 Q. Did you -- when you -- when this 19 was issued to Mr. Moore, were you present during 20 that meeting? 21 A. Yes, I was there. Uh-huh, yeah. 22 Q. And did you hand him this form at 23 that meeting? 24 A. Yeah, like the form was given. I 25 don't know if it was me, but I was there when we</p>

15 (Pages 54 - 57)

<p style="text-align: right;">Page 58</p> <p>1 filled it out, and he was there.</p> <p>2 Q. What did he say when you met with</p> <p>3 him and gave him this form?</p> <p>4 A. I don't remember.</p> <p>5 Q. Did he make any complaints about</p> <p>6 why he didn't make the beds for any reason?</p> <p>7 A. He did complain, I just don't</p> <p>8 remember what was said, but -- I mean, he showed</p> <p>9 up an hour late. He never said anything. Like</p> <p>10 he just wasn't doing his job.</p> <p>11 Q. At the top, it says creating a</p> <p>12 hostile work environment.</p> <p>13 A. Uh-huh.</p> <p>14 Q. Do you know what was meant by that</p> <p>15 statement?</p> <p>16 A. I think he just tends to yell and</p> <p>17 scream. So like I think that's where the</p> <p>18 hostile kind of comes into play. Like he would</p> <p>19 just be very loud and aggressive, so --</p> <p>20 Q. Above that, when it says type of</p> <p>21 violation written, warning second, do you know</p> <p>22 when the first warning occurred?</p> <p>23 A. It was on the 4th. It's right --</p> <p>24 the previous warning was on the 4th, and that</p> <p>25 was just a meeting we had.</p>	<p style="text-align: right;">Page 60</p> <p>1 A. Well, I don't know if he was in</p> <p>2 those rooms. We didn't know what room he was</p> <p>3 in. So he could be sitting around in a room,</p> <p>4 and we would never know what room, because we</p> <p>5 would never see the cart outside on each floor.</p> <p>6 Q. How could you tell that he hadn't</p> <p>7 cleaned or done anything in those rooms?</p> <p>8 A. We would go check the rooms, and if</p> <p>9 they were not clean, we would not -- mark them</p> <p>10 not clean, so that's how we would check. Rhonda</p> <p>11 would go check behind him, as well, making sure</p> <p>12 everything is done.</p> <p>13 Q. Was he supposed to, you know, wipe</p> <p>14 down mirrors, you know, wipe clean --</p> <p>15 A. How you would wipe -- yes, like</p> <p>16 wipe down mirrors, clean the bathroom, put the</p> <p>17 toiletries, make the bed, vacuum, wipe</p> <p>18 everything down that needs to be wiped down,</p> <p>19 yeah.</p> <p>20 Q. Moving to the next page, and it's</p> <p>21 DEF2. Do you know who wrote this statement that</p> <p>22 was attached to this? Was it attached to this?</p> <p>23 A. It's attached to that and, like I</p> <p>24 said, I don't remember who wrote it. Either</p> <p>25 Rhonda or Nikki.</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. What was that meeting about?</p> <p>2 A. I think it was like about the same</p> <p>3 thing, like he wasn't doing his job, not</p> <p>4 cleaning his rooms.</p> <p>5 Q. Was there anything in particular</p> <p>6 that he wasn't doing, or was he just not doing</p> <p>7 any of the cleaning duties in those rooms?</p> <p>8 A. Yeah, he just wasn't cleaning.</p> <p>9 Like he would, again, hide the cart in his room,</p> <p>10 and we won't find him. So half the time we're</p> <p>11 looking for him. So those were some of the</p> <p>12 things.</p> <p>13 Like half of the time we're looking</p> <p>14 for you. We're trying to run our day-to-day</p> <p>15 operations. We need the cart outside. So, you</p> <p>16 know, sometimes we have to fill his cart too.</p> <p>17 So we just wanted to make sure he had</p> <p>18 everything.</p> <p>19 So he just wouldn't listen. He was</p> <p>20 just disobedient for most of the time. That was</p> <p>21 our biggest issue with him.</p> <p>22 Q. Do you know what he was doing if he</p> <p>23 wasn't cleaning in those rooms? I mean, were</p> <p>24 there any reports that he was just sitting</p> <p>25 around or anything like that?</p>	<p style="text-align: right;">Page 61</p> <p>1 (Thereupon, Exhibit E, March 10,</p> <p>2 2021, Employee Write Up, was marked for purposes</p> <p>3 of identification.)</p> <p>4 BY MR. LONG:</p> <p>5 Q. Okay, moving on to my next exhibit,</p> <p>6 Exhibit E. Can you see this document? Please</p> <p>7 review it.</p> <p>8 MR. ENGEL: While she's looking,</p> <p>9 off the record.</p> <p>10 (Thereupon, an off-the-record</p> <p>11 discussion was held.)</p> <p>12 BY MR. LONG:</p> <p>13 Q. I'll scroll down to this page too</p> <p>14 so you can review that, as well. Have you seen</p> <p>15 this document before?</p> <p>16 A. Yes, uh-huh.</p> <p>17 Q. Do you know, did you type this up</p> <p>18 or did someone else?</p> <p>19 A. I don't remember. It looks like it</p> <p>20 might be Nikki, but I'm not sure. It could be</p> <p>21 Rhonda too, but I don't remember. Nikki signed</p> <p>22 at the bottom, so it looks like -- but --</p> <p>23 Q. Do you know --</p> <p>24 A. And I also signed it.</p> <p>25 Q. -- is this Ms. Rhonda Craddock?</p>

<p style="text-align: right;">Page 62</p> <p>1 A. Yeah, she got married. So she was 2 Davis Craddock for clarification, yeah. 3 Q. On the first sentence of the 4 description of infraction, it says that he was 5 informed he needs to clean two rooms per hour. 6 The next sentence says if he was unable to do 7 that, we would not have work for him. 8 Did he ever express any concerns 9 that he wouldn't be able to clean two rooms per 10 hour? 11 A. No, he didn't. Like he was looking 12 for more hours to work, so -- no. 13 Q. And about halfway down this 14 paragraph, it says MOD. What does that refer 15 to? 16 A. Manager on duty. So that could be 17 either me, Nikki, and then our supervisor, 18 Rhonda. 19 Q. And further down it says he pulled 20 another employee off her board leaving us short 21 the [sic] needed rooms to sell and killing 22 productivity. Do you know what employee that's 23 referring to? 24 A. I don't remember what employee it 25 was, but I think he pulled her so she could help</p>	<p style="text-align: right;">Page 64</p> <p>1 room, or was it just assigned to him to do the 2 other duties other than cleaning the bed, or how 3 did that process work? 4 A. I feel he should let us know if he 5 needs help instead of just pulling another 6 employee and, you know, we're thinking that 7 employee left, you know. So he just doesn't -- 8 you know, he doesn't let us know where he needs 9 the help. So let us know. But he never did. 10 And then when you ask him a question, he just, 11 you know, becomes combative and just 12 doesn't -- starts yelling and being rude, so -- 13 Q. Under the plan for improvement 14 section, it says effective immediately, Alex 15 will no longer act in a supervisory capacity. 16 Who made that decision to remove him from a 17 supervisory capacity? 18 A. I think it was Nikki. 19 Q. Were you involved at all in that 20 decision? 21 A. I don't remember. I know I was 22 there, but I think it was Nikki who made the 23 decision. 24 Q. Would it have been anyone else 25 along with Nikki who made the decision?</p>
<p style="text-align: right;">Page 63</p> <p>1 him clean his rooms. 2 Q. Would that have been another member 3 of the housekeeping staff? 4 A. Yeah, I just don't know at the 5 time. 6 Q. Further down it says that he was 7 not meeting the minimum standard required. What 8 standard or how was he not meeting that 9 standard? 10 A. I think just cleaning rooms, that 11 he is just not cleaning them, yeah. And our 12 minimum standard is two rooms per hour -- per an 13 hour, so he is failing to do that, yeah. 14 Q. Did he make -- did he complain at 15 all during that time about not being able to 16 make beds? 17 A. No. Yeah, like I think we would go 18 in -- some of those rooms we would have somebody 19 go and make the beds and all he had to do was 20 clean the bathroom, wipe down -- you know, we 21 had somebody -- so he had help, but he just 22 wouldn't complete it still without having that 23 help. 24 Q. If he needed help, would he, you 25 know, need to tell somebody I need help in this</p>	<p style="text-align: right;">Page 65</p> <p>1 A. I mean, probably me and Rhonda, 2 since she was the housekeeping supervisor then. 3 Q. At the bottom of that paragraph, it 4 says he must meet the minimum to remain on the 5 team as part of the housekeeping department -- 6 as part of the housekeeping department, period. 7 What minimum was that referring to? 8 A. Cleaning rooms, just showing up on 9 time, like I think that's the minimum. Just 10 cleaning his rooms that he's required to clean 11 when he comes in, his expectations of what we 12 expect from a housekeeper. 13 Q. Did you meet with him to give him 14 this form? 15 A. I don't remember that. 16 Q. Do you know if someone else met 17 with him to give him the form? 18 A. I don't remember, but -- I don't 19 remember what happened, but I think we 20 documented this. 21 (Thereupon, Exhibit F, March 13, 22 2021, Authorization for Light Duty, was marked 23 for purposes of identification.) 24 BY MR. LONG: 25 Q. All right. We can move on to the</p>

<p style="text-align: right;">Page 66</p> <p>1 next exhibit, Exhibit F. Please review this 2 document. Do you recall seeing this document at 3 any time? 4 A. Yes, uh-huh. 5 Q. When did you first receive it? 6 A. I think the -- like the 14th maybe. 7 I don't recall. But it was given to Nikki, and 8 I did see it, uh-huh. 9 Q. Did he hand it to you, or did the 10 doctor email it to you? How did you get it, if 11 you recall? 12 A. I think he handed it to us. Like 13 he brought it in. 14 Q. When he brought it in, did he say 15 anything or talk about -- 16 A. I don't remember. I think he had a 17 conversation with Nikki about it. But I did see 18 the form. I did see the form though. 19 Q. Did you have any conversations with 20 him about his request or what he could or 21 couldn't do? 22 A. No. 23 Q. Would that have been Nikki who had 24 that? 25 A. Yeah, I think it was Nikki at that</p>	<p style="text-align: right;">Page 68</p> <p>1 down. That was easy to do. That's not -- he's 2 not lifting anything. Just making sure 3 everything is placed properly and making sure 4 the mirrors are wiped down, putting all the 5 toiletries where they need to be. 6 And even like organizing laundry 7 sometimes wasn't -- like when we had to do 8 laundry, he just had to fold towels and sheets, 9 so that was considered light duty. 10 Q. Did Nikki raise any concerns about 11 not being able to have enough staff to cover 12 the -- you know, all the job duties if he 13 couldn't do, you know, most of what he had been 14 assigned? 15 A. No, we obeyed -- we obeyed this 16 request. Like he was on light duty, and we made 17 sure he was on light duty during this time 18 period. 19 Q. Before you received this form, did 20 he ever make any requests for light duty, 21 request accommodations in any way? 22 A. No. 23 Q. Did he ever express to you that he 24 was having physical issues or limitations in any 25 way?</p>
<p style="text-align: right;">Page 67</p> <p>1 time, yeah, from what I remember. 2 Q. After she talked with him, did she 3 discuss it with you? 4 A. Yeah. Yeah, I think she did. 5 Uh-huh, yeah. 6 Q. What did she say? 7 A. She just said he's on light duty, 8 so we'll just give him light duty. So that's 9 what we ended up doing. 10 Q. How did you figure out, you know, 11 what light duty would consist of? 12 A. So for cleaning rooms, like he 13 can't lift anything over 30 pounds, there's 14 nothing to lift. If somebody needs to strip 15 rooms for him, we had somebody stripping rooms 16 for him. So that's where, you know, you're 17 bending your back. 18 So we had people doing most things 19 for him, and he -- you know, whatever he -- he 20 told us he can't lift heavy things and he can't 21 bend down, so Rhonda helped him, as well. 22 Q. What duties could he still do in 23 terms of the cleaning role? 24 A. I don't remember, but from what I 25 remember, like, you know, just wiping things</p>	<p style="text-align: right;">Page 69</p> <p>1 A. No. 2 Q. Did Nikki ever say anything to you 3 about him having physical issues or limitations 4 before this? 5 A. No. Yeah, before this, no. 6 Q. What about Rhonda, did she say 7 anything about any physical issues with him? 8 A. No. 9 (Thereupon, Exhibit G, March 15, 10 2021, statement of Gini Kaur, was marked for 11 purposes of identification.) 12 BY MR. LONG: 13 Q. Moving on to my next exhibit, 14 Exhibit G. Please review this document. 15 A. Uh-huh. Yeah. 16 Q. So did you type this up? 17 A. Yes, I did, uh-huh. 18 Q. Did you sign it the same day, the 19 15th of March? 20 A. Yes, uh-huh. Yep, I typed it up 21 that day, and I signed it, as well, uh-huh. 22 Q. In the second sentence, it says he 23 accused you of being racist multiple times. 24 A. Uh-huh. 25 Q. Other than February 9th, do you</p>

<p style="text-align: right;">Page 70</p> <p>1 recall any other time he said that you were 2 racist? 3 A. He has -- like I said, I don't 4 remember, but he has said it. But that's 5 February 9th is the one I remember specifically, 6 but I just -- he said a lot of things, so -- 7 Q. What else did he say? 8 A. I don't remember. 9 Q. Did he say anything, you know, 10 about you personally other than being racist? 11 A. No. Like I just don't remember, 12 but he -- like those were one of the ones that 13 stood out to me the most, just being rude, 14 disrespectful. Like I don't -- I don't remember 15 anything he said to me personally other than the 16 racist comment a couple of times. 17 Q. Did he say why he felt that you 18 were racist or why he said that? 19 A. He said I was like checking on him, 20 and I was like, yeah, because I need to know 21 what rooms are done. Like you're not telling me 22 what rooms are done. So he perceived me 23 checking on his work, the manager on duty, the 24 owner on site -- like she can't do that is what 25 I perceived as, you know, that's -- he didn't</p>	<p style="text-align: right;">Page 72</p> <p>1 on March 15th? 2 A. Yeah, I did. 3 (Thereupon, Exhibit H, March 18, 4 2021, statement of Gini Kaur, was marked for 5 purposes of identification.) 6 BY MR. LONG: 7 Q. I'm going to go to my next exhibit, 8 H. This is -- 9 A. Yes. 10 Q. Please review this. 11 A. Yes. 12 Q. So tell me what happened with this 13 customer complaining about Mr. Moore. 14 A. Of course I was at the front desk 15 when a guest came down, and he told me about 16 this incident where they asked Alex that -- they 17 needed some towels. He's like oh, you need to 18 go downstairs. Like this is my -- he told me 19 something like this is -- like this is not my 20 job, or something along those lines, but I don't 21 remember exactly what was said. I know the 22 guest came, and he told me this. 23 So I said Alex -- like I did talk 24 to him about this, so -- but he just wasn't 25 professional and did not help the guest.</p>
<p style="text-align: right;">Page 71</p> <p>1 want anybody -- he just wanted to be independent 2 like and do whatever he wanted. So he didn't 3 want anybody like, you know, just managing him 4 and seeing what work he's doing, so -- 5 Q. Any other reasons that he said he 6 felt like that? 7 A. No, like he just, again, was 8 disobedient. He just didn't listen, so -- 9 Q. In the first sentence here, it says 10 hostile work environment. 11 A. Yes. 12 Q. What did you mean by hostile work 13 environment? 14 A. His attitude would shift daily, so, 15 you know, he's yelling, screaming, slamming 16 doors. So for me that's hostile. 17 Q. Did you -- is this something that 18 you just put in his file, or did you actually 19 give him a copy of this? 20 A. I did not give him a copy of this 21 from what I remember. I just put this in the 22 file, because he left the shift without 23 completing his tasks, so I had to document that 24 day what I -- 25 Q. So you typed this up and signed it</p>	<p style="text-align: right;">Page 73</p> <p>1 Q. So did you talk -- after you -- the 2 guest came in and made this complaint -- 3 A. Yes. 4 Q. -- did you talk with -- 5 A. Yeah. 6 Q. -- Nikki, or who did you discuss it 7 with? 8 A. I don't remember, but I know I was 9 there, so I wrote this then. And he was like 10 yeah, he came, he said something about -- I 11 asked him what happened, but -- I mean, either 12 way, he just didn't do his job. Like in the 13 hospitality business, we are -- if a guest asks 14 for something, you make sure the guest gets it, 15 so -- either, you know, pleasantly he could have 16 said it, but he didn't say that, so -- 17 Q. Did you call him to the office, or 18 how did that happen? 19 A. Yeah, I think I was in the office. 20 I think I did call him and talk to him about 21 this, uh-huh, yeah. 22 Q. Was anybody else there; do you 23 recall? 24 A. I don't remember. I don't. My 25 front desk staff was there, my laundry lady was</p>

<p style="text-align: right;">Page 74</p> <p>1 there, so I believe there were people there. 2 Q. Who was on the front desk staff? 3 A. Betsy was her name. 4 Q. Do you remember her last name? 5 A. No. 6 Q. Did he provide any explanation of 7 what happened, Mr. Moore? 8 A. No. I mean, he -- again, his 9 behavior shifted, and he didn't say anything 10 about it. 11 Q. I'm going to go back to Exhibit -- 12 before I do that, you said that you wrote this 13 and signed it on March 18th, 2021; is that 14 correct? 15 A. Yeah. Yes, uh-huh. 16 Q. Okay. I'm going back to Exhibit C. 17 This is a statement from Mrs. Craddock. 18 A. Uh-huh. 19 Q. Please read over this. 20 A. Yes. 21 Q. Do you know when she wrote this? 22 A. That I don't remember, but from 23 what it looks like, it's after February 8th. 24 Q. Do you know if it was before he was 25 terminated?</p>	<p style="text-align: right;">Page 76</p> <p>1 Exhibit I. 2 A. You can scroll down. Yes. 3 Q. Have you seen this -- 4 A. Yes. 5 Q. -- document before? 6 A. Uh-huh. 7 Q. Did you -- were you involved at all 8 in drafting it? 9 A. No, she wrote that. 10 Q. Do you know when she wrote it? 11 A. As soon as he left, she wrote that. 12 It was right away. 13 Q. Did you tell her to write it up or 14 document it or something similar to that? 15 A. No, I didn't document anything. 16 Q. Did you tell her to write this 17 statement? 18 A. She wrote it herself, uh-huh. I 19 didn't have to tell her. 20 Q. All right. In the first sentence, 21 it says that he arrived late again for the 11th 22 straight workday. Does Kings Inn document when 23 employees are late at all? How do you keep 24 track of that? 25 A. We usually check their timestamps,</p>
<p style="text-align: right;">Page 75</p> <p>1 A. Yes, like it had -- yeah, we didn't 2 write anything after, so yeah. 3 Q. Did someone ask her to write this 4 up, or how did this come to be reported? 5 A. That I don't remember, but usually 6 I was -- if there's anything going on, like 7 since he was already -- you know, this was -- 8 this was happening for days. So whatever we 9 had, we tried to document as much as possible. 10 So I did -- you know, we did inform 11 her if anything like this happens where he's not 12 listening, just document it, because that's 13 how -- every day was seeming like he was doing 14 something, so -- yeah, we told -- we told any 15 employee to document anything, so yes. 16 Q. So did she just write this and put 17 it in his employee file? 18 A. She showed it to me. She showed it 19 to Nikki and I, and we read it and put it in his 20 file, yeah. 21 (Thereupon, Exhibit I, statement of 22 Nikki Williams, was marked for purposes of 23 identification.) 24 BY MR. LONG: 25 Q. All right, I'm going to go to</p>	<p style="text-align: right;">Page 77</p> <p>1 so when they're supposed to clock in. Like if 2 they're -- usually the policy is they're 3 supposed to be here -- they're supposed to clock 4 in like six minutes after or before. So we 5 usually do keep track of that. And usually we 6 just give them a verbal warning, hey, why were 7 you late, or usually they'll let us know hey, 8 I'm running late. So that's fine as long as you 9 let us know, yeah. 10 Q. Do you review the timecards every 11 week, or how do you check that? 12 A. Whenever I have to do payroll, I 13 check every week. Like whenever I just need to 14 see who was there, yeah. I also record the 15 hours on there, put -- I transcribe it onto a 16 spreadsheet. So I looked at it quite frequently, 17 uh-huh. 18 Q. Do you keep any kind of running 19 list of when employees are late or how many 20 absences or something like that that they have 21 accumulated? 22 A. I do not. 23 Q. Then the second sentence, it says 24 that Alex was given a limited board due to his 25 light duty status.</p>

<p style="text-align: right;">Page 78</p> <p>1 A. Uh-huh.</p> <p>2 Q. Do you know what that limited board</p> <p>3 was referring to?</p> <p>4 A. I think just a few rooms he was</p> <p>5 given to clean.</p> <p>6 Q. It says see attached list.</p> <p>7 A. Uh-huh.</p> <p>8 Q. Was there a list attached?</p> <p>9 A. It must have been the list of his</p> <p>10 rooms, but I don't know.</p> <p>11 Q. Moving down, it says he told her</p> <p>12 what? What do you want? Did you hear -- were</p> <p>13 you present when he said that to her?</p> <p>14 A. No, I was not. This happened</p> <p>15 upstairs. I was downstairs.</p> <p>16 Q. Who is Devon that's referred to</p> <p>17 here?</p> <p>18 A. I think he was one of our housemen</p> <p>19 that was helping like strip rooms for us.</p> <p>20 Q. Did you hear any of the</p> <p>21 conversation that took place between Nikki and</p> <p>22 Mr. Moore on this day that's described here?</p> <p>23 A. I -- at the bottom, I was a witness</p> <p>24 to what happened when he came downstairs and</p> <p>25 her. Anything upstairs in the rooms I did not.</p>	<p style="text-align: right;">Page 80</p> <p>1 kind of getting heated there, but I don't</p> <p>2 remember the exact, you know, events that were</p> <p>3 happening, but he -- they were arguing back and</p> <p>4 forth, so I was -- I did listen in, but I</p> <p>5 just -- I didn't -- I was listening, like that</p> <p>6 was it.</p> <p>7 I can't recall what exactly</p> <p>8 happened, but I did witness like the fact that</p> <p>9 he did call her a bitch. He did say those</p> <p>10 things to her. And then we just let him go,</p> <p>11 this is it.</p> <p>12 Q. When they were, I guess, arguing,</p> <p>13 did he raise his voice?</p> <p>14 A. Yep, he raised his voice. Yeah,</p> <p>15 uh-huh.</p> <p>16 Q. Did she raise her voice, if you</p> <p>17 recall?</p> <p>18 A. No, she didn't. Uh-huh.</p> <p>19 Q. What did she say back to him when</p> <p>20 he was saying these things?</p> <p>21 A. She just said Alex, like why are</p> <p>22 you being disrespectful. It's rude. Like what</p> <p>23 is going on. Like she was very calm in this</p> <p>24 situation.</p> <p>25 But I think we were just done with</p>
<p style="text-align: right;">Page 79</p> <p>1 I was not a witness to that.</p> <p>2 Q. Before he came downstairs, did</p> <p>3 Nikki tell you what had happened or what he had</p> <p>4 said?</p> <p>5 A. No. He came downstairs, and she</p> <p>6 came right after him, so that's -- that's when I</p> <p>7 found out like.</p> <p>8 Q. Then going down, it says he gave</p> <p>9 the paper to Betsy. That was the front desk</p> <p>10 clerk?</p> <p>11 A. Uh-huh. Yes.</p> <p>12 Q. Is that correct?</p> <p>13 A. Yes, that's correct.</p> <p>14 Q. So when did you -- did you hear him</p> <p>15 when he came down and said -- he yelled at her I</p> <p>16 already gave it to her, damn? Did you hear that</p> <p>17 part?</p> <p>18 A. Yeah, I was there.</p> <p>19 Q. Tell me, you know, what you recall</p> <p>20 about when, you know, all this happened and he</p> <p>21 came down and he was, you know, saying these</p> <p>22 things.</p> <p>23 A. Yeah, he just -- when he came down,</p> <p>24 he just clocked out, I believe. I don't</p> <p>25 remember. But I know for a fact that it was</p>	<p style="text-align: right;">Page 81</p> <p>1 him at that point. Like, you know, this was</p> <p>2 enough. This is not -- this happened multiple</p> <p>3 times now. So he just doesn't listen. We're</p> <p>4 babysitting him basically trying to -- so --</p> <p>5 yeah, that's exactly what happened.</p> <p>6 Q. Did Nikki say we can no longer</p> <p>7 tolerate your behavior here at Kings Inn; today</p> <p>8 will be your last day? I think you're frozen.</p> <p>9 A. Hello. Sorry about that. I don't</p> <p>10 know what happened. Can you hear me?</p> <p>11 Q. Yep.</p> <p>12 A. Perfect.</p> <p>13 Q. So was it Nikki who said I can no</p> <p>14 longer tolerate your behavior here at Kings Inn;</p> <p>15 today will be your last day?</p> <p>16 A. Yes, uh-huh.</p> <p>17 Q. Did she talk to you before she said</p> <p>18 that to him? Did she say I'm going to terminate</p> <p>19 him, or anything similar?</p> <p>20 A. No. She fired him, uh-huh.</p> <p>21 Q. You were there when this part of</p> <p>22 the conversation took place?</p> <p>23 A. Yeah, I was. Uh-huh.</p> <p>24 Q. Did you have any concerns about</p> <p>25 firing him or --</p>

<p style="text-align: right;">Page 82</p> <p>1 A. No.</p> <p>2 Q. -- any disagreement about that?</p> <p>3 A. Because we were thinking about</p> <p>4 terminating him anyways, so this was just the</p> <p>5 last straw. But we wanted to do it respectfully</p> <p>6 and -- you know. Yeah, that was just how it</p> <p>7 ended up being.</p> <p>8 Q. Did you have any, you know, set</p> <p>9 date that you were planning to terminate him</p> <p>10 before this?</p> <p>11 A. No, we didn't. Like we were still</p> <p>12 talking about it. Like, you know, at that</p> <p>13 point, we did decide that, you know, this is</p> <p>14 continuing on multiple days, multiple times,</p> <p>15 that we should probably, you know, fire him at</p> <p>16 some point, so --</p> <p>17 Q. Was it based on his</p> <p>18 insubordination, talking back and being</p> <p>19 disrespectful for that, or not doing his duties?</p> <p>20 What was the reason why you were thinking about</p> <p>21 terminating him?</p> <p>22 A. Both. He would not show up to</p> <p>23 work. He would show up to work late. I'm</p> <p>24 sorry. He would show up to work late. He would</p> <p>25 not tell us where he's at. When we need rooms</p>	<p style="text-align: right;">Page 84</p> <p>1 think what he meant by like stealing leads, I'm</p> <p>2 assuming they're talking about business leads,</p> <p>3 like to bring in business to the hotels. So I</p> <p>4 think that's what he's referring to in that</p> <p>5 sentence.</p> <p>6 Q. And then the next to last sentence,</p> <p>7 he says you're going to be hearing from my</p> <p>8 lawyer cause you fired me on restricted duty.</p> <p>9 Did he say anything else about that portion?</p> <p>10 A. He did say like -- all I heard was</p> <p>11 you're going to be hearing from my lawyer. So I</p> <p>12 didn't hear the restricted. Like I don't</p> <p>13 remember that part, but he did say something</p> <p>14 like that when he was leaving, uh-huh.</p> <p>15 Q. Before that, did he ever say</p> <p>16 anything like, you know, you can't fire me or do</p> <p>17 anything to me because I'm disabled or I have</p> <p>18 light duty accommodations?</p> <p>19 A. No, he did not say that.</p> <p>20 Q. So after this conversation took</p> <p>21 place, did you discuss it -- did you meet with</p> <p>22 Nikki and anyone else?</p> <p>23 A. I talked to Nikki about this, and</p> <p>24 she told me like yeah, like I fired him. Like</p> <p>25 I'm like yep, I saw. So she was like I'm just</p>
<p style="text-align: right;">Page 83</p> <p>1 cleaned, we're hunting down to look for him. He</p> <p>2 was just disobedient. He was crazy.</p> <p>3 So there were a lot of factors in</p> <p>4 play. It was just not one instance that -- you</p> <p>5 know, unfortunately it happened this way that he</p> <p>6 was fired, but there were a lot of things</p> <p>7 leading up to it that we were thinking about</p> <p>8 firing him.</p> <p>9 Q. Going down where it's saying that</p> <p>10 he called her a dirty bitch, did you hear that</p> <p>11 part?</p> <p>12 A. Yes, I heard that. That was right</p> <p>13 in front of me.</p> <p>14 Q. What did he say?</p> <p>15 A. He said you're a dirty bitch.</p> <p>16 That's the way he said it, yep. He pointed his</p> <p>17 finger at her, uh-huh.</p> <p>18 Q. Then in the next part, it says</p> <p>19 that's why they fired you at Centre Park, and I</p> <p>20 know you're going to be -- you be going around</p> <p>21 trying to steal leads. What is that referring</p> <p>22 to?</p> <p>23 A. So I told you before that they all</p> <p>24 kind of worked together at a different place.</p> <p>25 So they all knew each other before, so -- and I</p>	<p style="text-align: right;">Page 85</p> <p>1 going to write up my statement, and that's it.</p> <p>2 You know, when he comes to get his paycheck,</p> <p>3 we'll give him his paycheck, and that's it.</p> <p>4 Q. After -- so did she write this out</p> <p>5 and then send it to you to look at?</p> <p>6 A. I was right there. She wrote it,</p> <p>7 and I read it, and she put it in his file, yeah.</p> <p>8 Q. Did you ever write anything similar</p> <p>9 to that?</p> <p>10 A. I don't remember at all. This is</p> <p>11 all we found in his file. And I also checked my</p> <p>12 email, and I don't think I wrote anything.</p> <p>13 (Thereupon, Exhibit J, Defendant's</p> <p>14 Response to First Set of Requests for Discovery,</p> <p>15 was marked for purposes of identification.)</p> <p>16 BY MR. LONG:</p> <p>17 Q. Moving on to Exhibit J. These are</p> <p>18 the defendant's responses to the first set of</p> <p>19 discovery requests. Did you assist your counsel</p> <p>20 with preparing these responses in any way?</p> <p>21 MR. ENGEL: I'm going to instruct</p> <p>22 the witness not to answer to the extent we get</p> <p>23 into attorney/client privilege and attorney work</p> <p>24 product here.</p> <p>25 THE WITNESS: I'm sorry, can you</p>

<p style="text-align: right;">Page 86</p> <p>1 repeat that again? I don't know what was --</p> <p>2 BY MR. LONG:</p> <p>3 Q. Yeah. Did you review the responses</p> <p>4 or approve them or anything similar before they</p> <p>5 were sent to us?</p> <p>6 A. Like I'm confused what this paper</p> <p>7 is. Like I don't know what you're showing me.</p> <p>8 Q. This is a set of discovery</p> <p>9 responses that the defendant filed. Basically</p> <p>10 these are questions we asked and then counsel</p> <p>11 filled out the answers --</p> <p>12 A. Yes.</p> <p>13 Q. -- and sent them to us. Do you</p> <p>14 recall seeing this document, or did you review</p> <p>15 it at all?</p> <p>16 A. I'm not going to answer that. I</p> <p>17 don't know -- like I don't know what -- like,</p> <p>18 Josh, I don't know what you said, but I --</p> <p>19 MR. ENGEL: I think you can answer</p> <p>20 yes or no. I just don't want you to get into</p> <p>21 any of the conversations we had and how this</p> <p>22 document was prepared.</p> <p>23 THE WITNESS: Oh, okay. Well,</p> <p>24 we --</p> <p>25 MR. ENGEL: But if he's asking you</p>	<p style="text-align: right;">Page 88</p> <p>1 him or something similar based on their past</p> <p>2 relationship?</p> <p>3 A. No.</p> <p>4 Q. Did you ever have any concerns that</p> <p>5 she might have treated him unfairly because they</p> <p>6 had been involved in a relationship in the past?</p> <p>7 A. No.</p> <p>8 Q. Did anyone ever raise any concerns</p> <p>9 with you about Ms. Craddock's and Mr. Moore's</p> <p>10 previous relationship?</p> <p>11 A. No.</p> <p>12 Q. Any reason for you to believe that</p> <p>13 she could have sexually harassed him in any way?</p> <p>14 A. No.</p> <p>15 Q. Do you have any concerns -- did you</p> <p>16 have any concerns at all that she could have</p> <p>17 discriminated against him on the basis of his</p> <p>18 sex during -- while she was his supervisor?</p> <p>19 A. No.</p> <p>20 Q. Do you have -- did you have any</p> <p>21 concerns that race could have played a factor in</p> <p>22 the decision to terminate Mr. Moore?</p> <p>23 A. No.</p> <p>24 Q. Did you have any concerns that</p> <p>25 Mr. Moore's disability or light duty status</p>
<p style="text-align: right;">Page 87</p> <p>1 if you've seen it before, you can answer that</p> <p>2 question.</p> <p>3 THE WITNESS: Okay. Can you scroll</p> <p>4 down? Like I'm trying to recall my memory here.</p> <p>5 I've seen it before.</p> <p>6 MR. LONG: Let's take a five-minute</p> <p>7 break. I might have a few more questions, but</p> <p>8 I'm almost done.</p> <p>9 MR. ENGEL: Okay. We'll have a</p> <p>10 little bit of follow-up here.</p> <p>11 MR. LONG: Okay.</p> <p>12 (Recess taken.)</p> <p>13 BY MR. LONG:</p> <p>14 Q. All right, just a few more</p> <p>15 questions. Did Mr. Moore ever raise any</p> <p>16 concerns or complaints about potential</p> <p>17 retaliation against him for any reason?</p> <p>18 A. Can you repeat the question again?</p> <p>19 Q. Yeah. Did Mr. Moore ever raise any</p> <p>20 concerns or complaints that you're aware of</p> <p>21 regarding retaliation for any reason?</p> <p>22 A. No.</p> <p>23 Q. Did he ever raise any complaints</p> <p>24 that you're aware of regarding concerns that</p> <p>25 Ms. Craddock might have held a grudge against</p>	<p style="text-align: right;">Page 89</p> <p>1 could have played any role in the decision to</p> <p>2 terminate his employment?</p> <p>3 A. No.</p> <p>4 Q. Did Ms. -- did Nikki or Ms. Craddock</p> <p>5 ever complain about Mr. Moore being on light</p> <p>6 duty and not being able to do all of his job</p> <p>7 duties?</p> <p>8 A. Can you repeat that question?</p> <p>9 Q. Yeah. Did Nikki or Ms. Craddock</p> <p>10 ever complain about Mr. Moore being on light</p> <p>11 duty and not being able to do all of the job</p> <p>12 duties that other housekeeping staff did?</p> <p>13 A. No.</p> <p>14 MR. LONG: I don't have any further</p> <p>15 questions right now.</p> <p>16 MR. ENGEL: Thank you. I'm going</p> <p>17 to ask a few follow-up questions here just so</p> <p>18 we're clear.</p> <p>19 REDIRECT EXAMINATION</p> <p>20 BY MR. ENGEL:</p> <p>21 Q. First, one little correction. I</p> <p>22 noticed a couple times you described him -- I'm</p> <p>23 sorry, you described the plaintiff as being</p> <p>24 competitive. Did you mean combative or</p> <p>25 competitive?</p>

<p style="text-align: right;">Page 90</p> <p>1 A. Combative. I'm sorry, that's what 2 I meant.</p> <p>3 Q. What do you mean by combative? 4 A. Just aggressive. Like he was 5 aggressive. So just kind of yelling, screaming 6 at us. So, I mean, just kind of threatening in 7 a way, so --</p> <p>8 Q. Were you ever concerned about the 9 physical safety of yourself or employees because 10 of the actions of the plaintiff?</p> <p>11 A. Sometimes, because he would yell 12 and scream. So I just, you know, tried to keep 13 a distance from him. But I wasn't entirely 14 concerned, because I was surrounded by a lot of 15 people, so -- yeah.</p> <p>16 Q. Were you ever concerned that he 17 would become physical with either yourself or 18 other employees?</p> <p>19 A. Yes, I was concerned about that.</p> <p>20 Q. So just so we're clear, he started 21 working in approximately October 2020 for your 22 company?</p> <p>23 A. Yes, that seems right. Uh-huh.</p> <p>24 Q. At the time when he was hired, was 25 anyone -- I'm sorry, let me rephrase that. At</p>	<p style="text-align: right;">Page 92</p> <p>1 And we'll mark this as Exhibit -- what are we up 2 to, K?</p> <p>3 (Thereupon, Exhibit K, job 4 application, was marked for purposes of 5 identification.)</p> <p>6 BY MR. ENGEL:</p> <p>7 Q. So I'm showing you what was marked 8 as Exhibit K, which is a document indicating job 9 application for Kings Inn & Suites. Are you 10 familiar with this document?</p> <p>11 A. Yes.</p> <p>12 Q. And is this a document that is kept 13 in the regular course of business by Kings Inn?</p> <p>14 A. Yes.</p> <p>15 Q. And is there a place on this form 16 where the employee can indicate if they have any 17 health issues or concerns?</p> <p>18 A. Yes.</p> <p>19 Q. And did Mr. Moore indicate any 20 health issues or concerns on this form?</p> <p>21 A. No.</p> <p>22 Q. So if he had -- if he said 23 somewhere else that he was -- that he -- I'm 24 sorry. If he said somewhere else that -- well, 25 let me scratch that whole line of questioning.</p>
<p style="text-align: right;">Page 91</p> <p>1 the time he was hired, were you aware that he 2 had had a romantic relationship with another one 3 of your employees?</p> <p>4 A. No, he did not disclose that.</p> <p>5 Q. And just so we're clear, did he 6 disclose that relationship before you made the 7 decision to terminate him?</p> <p>8 A. Can you repeat that question again?</p> <p>9 Q. Let me rephrase it. At some point 10 you learned that he was having a romantic 11 relationship with Ms. Craddock?</p> <p>12 A. Yes, uh-huh.</p> <p>13 Q. Did you learn about that romantic 14 relationship before you initially decided to 15 terminate him?</p> <p>16 A. I learned about it after I made the 17 decision. I made the decision to terminate him 18 before I even learned about the relationship.</p> <p>19 Q. When he started working for the 20 company, did he disclose that he had any 21 injuries that would limit his work?</p> <p>22 A. No.</p> <p>23 MR. ENGEL: In fact, I'm going to 24 show you, or if -- Sam, maybe since you have the 25 screen, can you pull up the job application?</p>	<p style="text-align: right;">Page 93</p> <p>1 At any other point during his job 2 application process did he indicate to you any 3 health issues or concerns?</p> <p>4 A. No.</p> <p>5 Q. And in particular, did he tell you 6 that he had a back injury?</p> <p>7 A. No.</p> <p>8 Q. Did he tell you that he was 9 considered disabled?</p> <p>10 A. No.</p> <p>11 Q. Did you perceive him as disabled in 12 any way?</p> <p>13 A. No.</p> <p>14 Q. Did you perceive him as having any 15 physical impairments in any way?</p> <p>16 MR. ENGEL: Sam, I can see what 17 you're typing there. You might want to --</p> <p>18 THE WITNESS: I'm sorry, can you 19 repeat the question again?</p> <p>20 BY MR. ENGEL:</p> <p>21 Q. Did you perceive him as having any 22 physical impairments?</p> <p>23 A. No.</p> <p>24 Q. Did you believe that he was able to 25 perform the essential functions of his job?</p>

<p style="text-align: right;">Page 94</p> <p>1 A. Yes.</p> <p>2 Q. And then at some point he came in</p> <p>3 with a document, which we marked as Exhibit D.</p> <p>4 If we could pull that up on the screen, please.</p> <p>5 I'm sorry, I'm looking for the --</p> <p>6 MR. LONG: The form here for light</p> <p>7 duty?</p> <p>8 MR. ENGEL: The light duty form.</p> <p>9 I'm sorry. Was that I [sic]? Is that right?</p> <p>10 MR. LONG: Yes.</p> <p>11 BY MR. ENGEL:</p> <p>12 Q. So I'm showing you what we marked</p> <p>13 as Exhibit I [sic], which is the light duty</p> <p>14 form. Do you remember receiving this document?</p> <p>15 A. Yes. Nikki did receive it, so I</p> <p>16 did see it, uh-huh.</p> <p>17 Q. Did he provide any other</p> <p>18 documentation along with this document?</p> <p>19 A. No.</p> <p>20 Q. Did he provide a description of</p> <p>21 what injuries or disabilities he had?</p> <p>22 A. No.</p> <p>23 Q. Did you make accommodations for him</p> <p>24 as a result of receiving this document?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 96</p> <p>1 A. No.</p> <p>2 Q. Did he ever complain to anyone</p> <p>3 about a failure of Kings Island [sic] Suites to</p> <p>4 permit him accommodations?</p> <p>5 A. Can you repeat that question again?</p> <p>6 Q. Did he ever complain to anyone</p> <p>7 about the failure to give him accommodations</p> <p>8 based on a perceived disability?</p> <p>9 A. No.</p> <p>10 Q. Did he ever complain that he was</p> <p>11 doing supervisory level work without supervisory</p> <p>12 level pay?</p> <p>13 A. No.</p> <p>14 Q. Did anyone ever threaten to delay</p> <p>15 or not pay him any overtime hours?</p> <p>16 A. No. I'm the one who pays. I'm the</p> <p>17 one who works the payroll and -- so no.</p> <p>18 Q. Did you ever refuse to pay him any</p> <p>19 overtime?</p> <p>20 A. No, I did not refuse him.</p> <p>21 Q. Did he ever complain that he wasn't</p> <p>22 being paid overtime?</p> <p>23 A. No.</p> <p>24 Q. Did anyone else ever complain that</p> <p>25 they weren't being paid overtime?</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. And after the last date of this</p> <p>2 document, March 8th of 2021, did he indicate to</p> <p>3 you that he was unable to perform any of his job</p> <p>4 duties?</p> <p>5 A. No.</p> <p>6 Q. Did he provide any other</p> <p>7 documentation other than what we've marked as</p> <p>8 Exhibit I?</p> <p>9 A. No, this is the only documentation</p> <p>10 we received.</p> <p>11 Q. And did he ever -- other than this</p> <p>12 document here, did he ever give you any notice</p> <p>13 of his disability or inability to perform any of</p> <p>14 the essential functions of his job?</p> <p>15 A. No.</p> <p>16 Q. So he never sent you an email, a</p> <p>17 text, anything like that?</p> <p>18 A. No.</p> <p>19 Q. And did you make accommodations for</p> <p>20 him from March 13th through March 18th of 2021</p> <p>21 based on this note?</p> <p>22 A. Yes, we did.</p> <p>23 Q. Did you ever refuse any</p> <p>24 accommodations that he made otherwise because of</p> <p>25 health issues?</p>	<p style="text-align: right;">Page 97</p> <p>1 A. No.</p> <p>2 Q. Did he ever complain that a failure</p> <p>3 to give him light duty accommodations was</p> <p>4 worsening his back condition?</p> <p>5 A. No.</p> <p>6 Q. So let's then skip ahead to January</p> <p>7 of 2021. How was his job performance in January</p> <p>8 of 2021?</p> <p>9 A. I think initially it was fine. I</p> <p>10 think around that time that's when it started to</p> <p>11 get worse. He would show up late, sometimes he,</p> <p>12 again, would not listen to us, was very</p> <p>13 disobedient, would not complete his board, the</p> <p>14 list of rooms that we gave him, and then, in</p> <p>15 general, just like being argumentative towards</p> <p>16 me, towards the staff.</p> <p>17 But he -- like he -- his behavior</p> <p>18 was, like I said, erratic most days, the next</p> <p>19 day he would come in, and he would be fine and</p> <p>20 do his job fine, and the next day, you know, it</p> <p>21 would -- the pattern would continue.</p> <p>22 Q. Okay. Now, are you aware of any</p> <p>23 incidents that happened in January of '21 that</p> <p>24 caused him to be written up?</p> <p>25 A. No, not in January, like -- no.</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 Q. Okay, in other words, I'm looking 2 at -- and you can't see it, but I'll read you 3 from his complaint. In paragraph 35, it says in 4 or around January 2021, Craddock wrote up Moore. 5 Do you know what that's about? 6 A. No. 7 Q. Do you know of any time when 8 Craddock wrote up Moore because they were 9 attempting to hide their romantic relationship? 10 A. No. 11 Q. Did Moore ever complain to you that 12 he was written up as retaliation for not 13 engaging in a continuing relationship with 14 Craddock? 15 A. No. 16 Q. So the first, then, documentation 17 we have is what we marked as Exhibit A, which is 18 February 8th of 2021. If we could pull that up 19 on the screen, please. And this was an email 20 you received from Ms. Craddock? 21 A. Uh-huh. Yes. 22 Q. Okay. And you received it on or 23 about February 8th of 2021? 24 A. Yes, uh-huh. 25 Q. And is it the regular course of</p>	<p style="text-align: right;">Page 100</p> <p>1 him? 2 A. Yes, it is sufficient to terminate 3 him. 4 Q. But you didn't terminate him. Why 5 didn't you terminate him on February 8th of 6 2021? 7 A. I mean, he was still -- like we 8 were still giving him chances. Like we just 9 didn't want to let him go. Like we know he has 10 been a good employee before, so -- but just 11 because, you know, Rhonda said, you know -- this 12 is Rhonda's point of view. So we all had to 13 take in our point of view, as well. So this is 14 just, you know, an incident that happened. I 15 couldn't just fire him based off of this. 16 Q. Okay. And you also received what 17 we marked as Exhibit B too, right, which is a -- 18 which is another copy of an incident report. If 19 you can pull that up on the screen too. There 20 you go. 21 A. Yes, I wrote that one. Uh-huh. 22 Q. Okay. And did you write this as 23 part of the regular course of business of the 24 company? 25 A. Yes, I did. Uh-huh.</p>
<p style="text-align: right;">Page 99</p> <p>1 business for you to receive documents like this? 2 A. Yes, like usually I think -- this 3 is late in the day, but I think she left, and 4 she wrote up something at home for me. But 5 usually it's during work hours we ask her to 6 write it, but I think she had an appointment or 7 something that she couldn't do it right there 8 and then. 9 Q. In other words, it's the regular 10 practice of -- 11 A. Yeah. 12 Q. -- your company to create documents 13 like this? 14 A. Yes, that is correct. Uh-huh, 15 yeah. 16 Q. And what was the purpose of 17 creating this document? 18 A. So we have documentations of when 19 he was being a bad employee. 20 Q. And do you believe that all the 21 information in this document is true and 22 accurate? 23 A. It is accurate, uh-huh. 24 Q. Would this information that was 25 provided here have been sufficient to terminate</p>	<p style="text-align: right;">Page 101</p> <p>1 Q. And so just to be clear, you had 2 observed inappropriate conduct from him on the 3 job at that point, right? 4 A. Yeah, I -- yeah, he wasn't 5 listening, he was being disobedient. So yes, 6 uh-huh. 7 Q. Was he being insubordinate? 8 A. Yes. Like he wouldn't listen. 9 Q. And was the behavior, then, that he 10 showed to you on or about February 8th of 2021, 11 would that have been sufficient to terminate 12 him? 13 A. Yeah. Like I'm reading my 14 perspective -- or my report, but, yeah, for ten 15 hours he was there, and he only cleaned three 16 rooms. To me, that's just milking the clock. 17 But that is sufficient enough for me to 18 terminate him. 19 Q. But you decided not to terminate 20 him at that point. Why? 21 A. I was like let me just give him 22 another chance. Like he has -- I've seen a good 23 side of Alex. But I was like I don't want to 24 terminate him. Like I do want to give him 25 multiple -- like we gave him multiple chances,</p>

<p style="text-align: right;">Page 102</p> <p>1 but that -- you know, this was just one chance, 2 but -- I didn't want to fire him at this point. 3 Q. So did you confront him with the 4 misconduct that was described on February 8th of 5 2021? 6 A. Yeah, this happened between me and 7 him. So he -- again, he doesn't like -- he's 8 angry, he talks, but like I didn't want to -- I 9 don't want to fire him. But this was a reason 10 to give me -- like, you know, I could fire him 11 if I need to based off the events that occurred 12 this day. 13 Q. Did you later talk to him about 14 those events? 15 A. These events? 16 Q. Yes. 17 A. No, I didn't talk to him, because 18 he just left. Like there's no -- he doesn't 19 talk. 20 Q. At any point did he indicate that 21 he was being singled out for harassment? 22 A. No. 23 Q. At any point did he indicate he had 24 had a romantic relationship with another 25 employee?</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. And it sounds like based on your 2 information around this time, Rhonda and 3 Mr. Moore discussed his misconduct? 4 A. Yeah. From what it looks like, 5 yes, uh-huh. 6 Q. Do you have any reason to 7 believe -- do you believe everything contained 8 in this document is true? 9 A. Yes. 10 Q. And in particular, did he complain 11 that this -- that the approaches from Rhonda 12 Craddock described in this document were 13 retaliatory in any way? 14 A. No. 15 Q. If it wasn't retaliatory in any 16 way, did he ever claim it was a result of either 17 his disability, his race, or his gender? 18 A. No. 19 Q. And then we had a disciplinary form 20 that was described -- or marked as Exhibit D. 21 Do you remember receiving this document? 22 A. Yes. 23 Q. And is this also a document that's 24 kept in the regular course of business by the 25 company?</p>
<p style="text-align: right;">Page 103</p> <p>1 A. No. 2 Q. When -- and these questions are 3 focusing on this time around February 8th of 4 2021. 5 A. No. 6 Q. So just so we're clear, did he ever 7 claim that the write-ups on or about 8 February 8th of 2021 were discriminatory based 9 on sex or gender or sexual harassment? 10 A. No. 11 Q. Did he ever say that the write-ups 12 were retaliatory based on his claim that he had 13 a disability? 14 A. No. 15 Q. And then we have then what we -- I 16 think the undated document, which is Exhibit C, 17 which is a statement from Rhonda Craddock. Do 18 you remember receiving that statement? 19 A. Yes, uh-huh. 20 Q. Is it the regular course of 21 business -- 22 A. Yes. 23 Q. -- of Kings Island Suites to 24 receive this document? 25 A. Yes.</p>	<p style="text-align: right;">Page 105</p> <p>1 A. Yes. 2 Q. So looking through this, first it 3 says he received a written notice; is that 4 right? 5 A. This is -- yeah. This is the 6 written notice, yes. 7 Q. So he actually would have received 8 a piece of paper describing everything on this 9 document? 10 A. Yes, I think -- 11 Q. Would he have received this actual 12 document or something else? 13 A. I think he would have received 14 this. I don't think we have anything else that 15 we would give him. 16 Q. So when he received this document, 17 did he ever raise any issues of retaliation? 18 A. No, he just didn't sign it. He's 19 like I don't -- I'm not going to sign this, and 20 he was sent home for the day. But we talked 21 about this. 22 Q. So he didn't complain that he was 23 being discriminated against because of his 24 disability when he received this document, did 25 he?</p>

<p style="text-align: right;">Page 106</p> <p>1 A. No. No.</p> <p>2 Q. He didn't complain about being</p> <p>3 harassed because he was having an affair with</p> <p>4 another employee, did he?</p> <p>5 A. No.</p> <p>6 Q. Did he raise up any concerns</p> <p>7 whatsoever about discriminatory conduct when he</p> <p>8 received this warning?</p> <p>9 A. No.</p> <p>10 Q. Did his conduct improve after he</p> <p>11 received this warning?</p> <p>12 A. I can't remember if it did or not.</p> <p>13 It changed like constantly, so I -- it didn't</p> <p>14 improve much is what I'm going to tell you from</p> <p>15 what I recall.</p> <p>16 Q. And then we fast forward ahead to</p> <p>17 an incident that happened in -- around March 10th</p> <p>18 of 2021. Do you remember that incident?</p> <p>19 A. Yes. I --</p> <p>20 Q. I think this is on Exhibit -- do we</p> <p>21 have this employee write-up? There it is. What</p> <p>22 exhibit is that? I'm sorry.</p> <p>23 MR. LONG: That would be Exhibit E.</p> <p>24 BY MR. ENGEL:</p> <p>25 Q. Exhibit E. So this is dated, it</p>	<p style="text-align: right;">Page 108</p> <p>1 an affair with somebody?</p> <p>2 A. No.</p> <p>3 Q. Did he ever complain that he was</p> <p>4 being harassed at work?</p> <p>5 A. No.</p> <p>6 Q. Did he ever complain this was</p> <p>7 retaliatory because he had asked for disability</p> <p>8 accommodations?</p> <p>9 A. No.</p> <p>10 Q. Did he raise any concerns</p> <p>11 whatsoever about retaliation or discrimination</p> <p>12 when he received this document?</p> <p>13 A. No.</p> <p>14 Q. In fact, did he deny any of the</p> <p>15 actions that are described as leading to</p> <p>16 warning?</p> <p>17 A. I don't remember.</p> <p>18 Q. In other words, at any point did</p> <p>19 he -- when he was being subject to discipline,</p> <p>20 did he say no, I am cleaning the rooms, or no, I</p> <p>21 am doing my job as I'm supposed to?</p> <p>22 A. No, he didn't say that back.</p> <p>23 Q. What did he say back?</p> <p>24 A. He would just start yelling. Like</p> <p>25 he -- that's all I can think of. Like he would</p>
<p style="text-align: right;">Page 107</p> <p>1 looks like, March 10th of 2021. Is this</p> <p>2 document also kept in the regular course of</p> <p>3 business by your company?</p> <p>4 A. Yes, uh-huh.</p> <p>5 Q. And it indicates second warning.</p> <p>6 What is the significance of a second warning?</p> <p>7 A. Basically, that, you know, we are</p> <p>8 kind of keeping an eye -- like there's a</p> <p>9 possible chance of termination. So I think this</p> <p>10 is -- I know we've given him a lot of warnings,</p> <p>11 but for a written one, this could be the second</p> <p>12 one from what I'm interpreting.</p> <p>13 But basically at this point, like,</p> <p>14 you know, if he doesn't continue to do his</p> <p>15 essential job duties, that he would be</p> <p>16 terminated, so -- and, you know, his behavior</p> <p>17 doesn't change, that there's a chance that he</p> <p>18 will be terminated based off of that, so --</p> <p>19 Q. Was he given a copy of this</p> <p>20 document?</p> <p>21 A. I don't remember, but this was</p> <p>22 shown to him, I believe.</p> <p>23 Q. When it was shown to him, did he</p> <p>24 ever complain that he was being subject to</p> <p>25 discipline based on the fact that he was having</p>	<p style="text-align: right;">Page 109</p> <p>1 just start being combative and just start</p> <p>2 being aggressive. But he just would say leave</p> <p>3 me alone, like I know what I'm doing, things</p> <p>4 like that of, you know, his nature. But he --</p> <p>5 he just didn't meet the requirements that we</p> <p>6 wanted him to, so -- when it came to cleaning</p> <p>7 rooms and doing what we tell him to do. He</p> <p>8 would do the opposite.</p> <p>9 Q. And just so we're clear on this</p> <p>10 document, Exhibit E I think it is, this</p> <p>11 indicates his failure to do his job duties on</p> <p>12 March 9th and March 10th of 2021?</p> <p>13 A. I'm sorry, what was your question?</p> <p>14 Q. So we've moved forward in time. In</p> <p>15 other words, this is about misconduct that</p> <p>16 occurred on March 9 and March 10 of 2021?</p> <p>17 A. Yes, that's correct.</p> <p>18 Q. So why didn't you just fire him on</p> <p>19 March 10th?</p> <p>20 A. I kind of -- we were thinking of</p> <p>21 firing him at this point, but I just -- you</p> <p>22 know, we wanted again to monitor his production</p> <p>23 for the next 30 days and see how he's doing.</p> <p>24 Because we've talked to him like, and then he</p> <p>25 does agree -- you know, he did agree -- like a</p>

<p style="text-align: right;">Page 110</p> <p>1 lot of it he does say like yeah, I'll do better. 2 And in some cases, you know, he would apologize 3 too, but -- 4 And we did give him multiple 5 chances. But I just, you know, wanted to give 6 him a few more chances, like -- but I just 7 didn't think that, you know, this -- that we 8 would just need to fire him right now. But we 9 continued to document as much as we could, 10 but -- 11 Q. Let me get the timeline right. As 12 of about March 10th of 2021, were you thinking 13 about terminating him? 14 A. Yeah, like it is -- like we are 15 thinking about terminating him, and it's just, 16 you know, how should we go about kind of doing 17 it per se, like -- 18 Q. I'm trying to give you some 19 context. Is this at a time when it's very hard 20 to get employees? 21 A. Yes, it was. During Covid-19, it 22 was kind of hard to get employees. So I think 23 our kind of goal was to see if we can hire 24 somebody else before we terminate him, but 25 that's --</p>	<p style="text-align: right;">Page 112</p> <p>1 A. Yeah. 2 Q. And during -- between March 10th 3 and March 15th, did he ever say that he was 4 being sexually harassed? 5 A. No. 6 Q. Between March 10th and March 15th, 7 did he disclose that he had been having an 8 affair with another employee? 9 A. No. 10 Q. And then our next milepost is an 11 event that happened on March 18th of 2021, which 12 you documented in Exhibit H. 13 A. Uh-huh. 14 Q. And this was an incident with a 15 guest? 16 A. Yes, that is correct. Uh-huh. 17 Q. And is a bad interaction with a 18 guest particularly significant to you? 19 A. Yes, it is. Uh-huh. 20 Q. Why is that? 21 A. To the point if you are being rude 22 to our staff, to me that's fine. But when you 23 take it outside to our guests, yeah, that's a 24 problem for me. So this is something that, you 25 know, he is already being unprofessional with</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. Yeah, let me ask this very precise 2 question then, as of March 10th of 2021, when 3 you started thinking about terminating him, were 4 you aware that he had had a romantic 5 relationship with another employee? 6 A. No. 7 Q. So then let's skip ahead to 8 March 15th, and that's when you write the memo 9 that we marked as Exhibit G. Is this a document 10 also kept in the regular course of business by 11 your company? 12 A. Yes, uh-huh. 13 Q. And why did you write this 14 document? 15 A. From what -- this is what's been 16 happening, so I wrote this as, you know, it's 17 still continuing to happen after five days, you 18 know, from the 10th to the 15th, that it's still 19 continuing to happen even despite giving him 20 light duty. So he also left his shift without 21 completing tasks, you know, even when we 22 provided him his accommodations. So it's 23 just -- again, just disobedient, doesn't listen. 24 Q. Would you describe him as 25 insubordinate even after the March 10th warning?</p>	<p style="text-align: right;">Page 113</p> <p>1 us, and now you're taking your anger and 2 whatever issues you have out on our, you know, 3 guest now. 4 So this was a huge no for me. Like 5 essentially this was kind of the last straw for 6 me with him, and I, you know, decided that he 7 should no longer work for us. But, again, you 8 know, kind of gauging the situation with 9 Covid-19 and stuff, like I'm like, you know, 10 I'll just -- I did talk to him about this, but, 11 again, this is unacceptable. 12 Q. So is it fair to say that on or 13 about March 18th of 2021 when you wrote this 14 memo, you had decided you were going to 15 terminate him? 16 A. Yeah. 17 Q. And were you aware on March 18th of 18 2021 when you made the decision to terminate him 19 that he had been having a romantic relationship 20 with another employee? 21 A. No. 22 Q. Had he, prior to March 18th of 23 2021, complained that he was being sexually 24 harassed? 25 A. No.</p>

<p style="text-align: right;">Page 114</p> <p>1 Q. Had he, prior to March 18th, 2021, 2 complained that he wasn't receiving adequate 3 accommodations for his claim of disability? 4 A. No. 5 Q. So then what caused you to 6 terminate him a few days later? 7 A. Just kind of the situation that 8 happened with Nikki, my manager, that, you know, 9 he just wasn't listening, just running around 10 the building, being aggressive towards her, just 11 yelling, screaming, especially around the 12 building when you're just going around, guests 13 are watching, like we don't need that. Like -- 14 and -- yeah, I mean -- 15 Q. And this was the incident described 16 on the statement by Nikki Williams -- 17 A. Yes. 18 Q. -- that we marked as -- what was 19 it -- Exhibit K is it? 20 MR. LONG: I believe that's I. 21 MR. ENGEL: I. Sorry, I. 22 BY MR. ENGEL: 23 Q. This document also is maintained in 24 the regular course of business by your company? 25 A. Yes, uh-huh.</p>	<p style="text-align: right;">Page 116</p> <p>1 on that day. 2 Q. But -- so let me back up. So 3 during this meeting with Mr. Moore, this was a 4 discussion about some of the things that 5 happened though, right? 6 A. Yes, that is correct. Uh-huh. 7 Yep, we did talk about that. 8 Q. During that conversation, did he 9 deny that he did any of the things that 10 Ms. Williams alleged he did? 11 A. No. 12 Q. During this conversation, did he 13 disclose that he had been having an affair with 14 another employee? 15 A. Yes, he did say something about it 16 then. 17 Q. Did you have any concerns that the 18 affair that he described was leading to him 19 being subject to harassment or tougher scrutiny? 20 A. No. 21 Q. Did you have any concerns that 22 Ms. Williams was complaining about his conduct 23 for retaliatory purposes? 24 A. Can you repeat that question again? 25 Q. Yeah. Did you have any concerns</p>
<p style="text-align: right;">Page 115</p> <p>1 Q. And it's your regular practice 2 to -- 3 A. Uh-huh. 4 Q. -- create statements like this when 5 incidents happen? 6 A. Yes, uh-huh. 7 Q. Did you discuss the conduct 8 described in this memo that occurred on 9 March 26th with Mr. Moore? 10 A. Can you repeat the question again? 11 Q. Yeah, let me rephrase it. Did 12 anyone discuss the conduct described in this 13 statement that occurred on March 26th, 2021, 14 with Mr. Moore? 15 A. Yes, Nikki described what happened, 16 and I was also there when this was happening. 17 Q. During that conversation, did he 18 deny any of his insubordination? 19 A. No. 20 Q. Did he deny any of the underlying 21 facts described in the statement from 22 Ms. Williams? 23 A. Well, the statement was written 24 after he was fired, so he -- we never showed him 25 the statement. This is just what had unfolded</p>	<p style="text-align: right;">Page 117</p> <p>1 that he was being retaliated against? 2 A. No. 3 Q. So just so we have a clear 4 statement from you, what were the reasons that 5 he was terminated? 6 A. He was just a bad employee, just 7 simple as that. He just didn't do his job as 8 described. So that's honestly the whole reason 9 here, that he just was being disrespectful and 10 rude to staff, including guests. He was 11 disobedient most of the time, did not follow any 12 directions, any rules. Like that is simply it. 13 He was just a terrible employee, and I would 14 never hire him again. 15 Q. Did he ever complain that he was 16 being harassed and insulted on the basis of his 17 disability? 18 A. No. 19 Q. And did you tell him the reasons 20 that he was being terminated? 21 A. Yes. He's aware, as well, of all 22 these written documents and statements. He knew 23 exactly why he was getting fired. 24 Q. Are you aware of any situation 25 where Mr. Moore was treated differently because</p>

<p style="text-align: right;">Page 118</p> <p>1 he had a previous romantic relationship with 2 another employee? 3 A. No. 4 Q. Was he treated differently than any 5 other employee? 6 A. No. 7 MR. ENGEL: So let me -- if you 8 could pull up, please, the amended complaint. I 9 think you have it in your thing, Sam. Are we up 10 to L? Is that K or L we're marking this? 11 MR. LONG: That would be K. 12 THE COURT REPORTER: I think it's 13 L. 14 (Thereupon, Exhibit L, Complaint, 15 was marked for purposes of identification.) 16 BY MR. ENGEL: 17 Q. So let's scroll down to, for 18 example, paragraph 79. In paragraph 79, he 19 claims that he reported the sexual harassment to 20 his supervisor verbally and in writing. Did 21 that ever happen? 22 A. No. 23 Q. Is he telling the truth there? 24 A. No. 25 Q. So if we look at -- for example,</p>	<p style="text-align: right;">Page 120</p> <p>1 at Kings Inn? 2 A. No. 3 MR. LONG: I have no further 4 questions. 5 MR. ENGEL: Are you done, Sam? 6 MR. LONG: Yes, no further 7 questions. 8 MR. ENGEL: Okay. Well, I have 9 nothing further, so we'll read. 10 (Thereupon, the deposition was 11 concluded at 12:54 p.m.) 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 119</p> <p>1 let's go back up to paragraph -- let me scratch 2 that -- paragraph 153. And he writes that he 3 complained about the disability discrimination 4 and sex/gender discrimination he was 5 experiencing. Did he ever make such a 6 complaint? 7 A. What line was it? 8 Q. We're on 153. 9 A. No, he did not. 10 Q. So is that statement a lie? 11 A. Yes. 12 MR. ENGEL: I have nothing else for 13 you. Thank you very much for your time today. 14 I will turn it back over to counsel if he has 15 any follow-up. 16 MR. LONG: Yes, just a few 17 follow-ups. 18 RE-CROSS-EXAMINATION 19 BY MR. LONG: 20 Q. Do you know if Mr. Moore and Rhonda 21 Craddock had any kind of romantic relationship 22 at the time that they both worked at Kings Inn? 23 A. No. 24 Q. Are you aware of any threats of 25 physical violence that Mr. Moore made to anyone</p>	<p style="text-align: right;">Page 121</p> <p>1 STATE OF OHIO) 2 COUNTY OF MONTGOMERY) SS: CERTIFICATE 3 I, Karen M. Rudd, a Notary 4 Public within and for the State of Ohio, duly 5 commissioned and qualified, 6 DO HEREBY CERTIFY that the 7 above-named GAGANPREET KAUR, was by me first 8 duly sworn to testify the truth, the whole truth 9 and nothing but the truth. 10 Said testimony was reduced to 11 writing by me stenographically in the presence 12 of the witness and thereafter reduced to 13 typewriting. 14 I FURTHER CERTIFY that I am not a 15 relative or Attorney of either party, in any 16 manner interested in the event of this action, 17 nor am I, or the court reporting firm with which 18 I am affiliated, under a contract as defined in 19 Civil Rule 28(D). 20 21 22 23 24 25</p>

Page 122

1 IN WITNESS WHEREOF, I have hereunto set
 2 my hand and seal of office at Dayton, Ohio, on
 3 this 12th Karen M. Rudd
 4
 5
 6 KAREN M. RUDD
 7 NOTARY PUBLIC, STATE OF OHIO
 8 My commission expires 5-21-2027
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 13
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Page 123

1 Veritext Legal Solutions
 2 1100 Superior Ave
 3 Suite 1820
 4 Cleveland, Ohio 44114
 5 Phone: 216-523-1313
 6 July 19, 2023
 7 To: Joshua Adam Engel
 8 Case Name: Moore, Demond v. Next Generation Hospitality, LLC
 9 Veritext Reference Number: 5930128
 10 Witness: Gaganpreet Kaur Deposition Date: 7/6/2023
 11 Dear Sir/Madam:
 12 Enclosed please find a deposition transcript. Please have the witness
 13 review the transcript and note any changes or corrections on the
 14 included errata sheet, indicating the page, line number, change, and
 15 the reason for the change. Have the witness' signature notarized and
 16 forward the completed page(s) back to us at the Production address
 17 shown
 18 above, or email to production-midwest@veritext.com.
 19 If the errata is not returned within thirty days of your receipt of
 20 this letter, the reading and signing will be deemed waived.
 21 Sincerely,
 22 Production Department
 23
 24
 25 NO NOTARY REQUIRED IN CA

Page 124

1 DEPOSITION REVIEW
 2 CERTIFICATION OF WITNESS
 3 ASSIGNMENT REFERENCE NO: 5930128
 4 CASE NAME: Moore, Demond v. Next Generation Hospitality, LLC
 5 DATE OF DEPOSITION: 7/6/2023
 6 WITNESS' NAME: Gaganpreet Kaur
 7 In accordance with the Rules of Civil
 8 Procedure, I have read the entire transcript of
 9 my testimony or it has been read to me.
 10 I have made no changes to the testimony
 11 as transcribed by the court reporter.
 12
 13 Date Gaganpreet Kaur
 14 Sworn to and subscribed before me, a
 15 Notary Public in and for the State and County,
 16 the referenced witness did personally appear
 17 and acknowledge that:
 18 They have read the transcript;
 19 They signed the foregoing Sworn
 20 Statement; and
 21 Their execution of this Statement is of
 22 their free act and deed.
 23 I have affixed my name and official seal
 24 this _____ day of _____, 20____.
 25
 26
 27 Notary Public
 28
 29 Commission Expiration Date

Page 125

1 DEPOSITION REVIEW
 2 CERTIFICATION OF WITNESS
 3 ASSIGNMENT REFERENCE NO: 5930128
 4 CASE NAME: Moore, Demond v. Next Generation Hospitality, LLC
 5 DATE OF DEPOSITION: 7/6/2023
 6 WITNESS' NAME: Gaganpreet Kaur
 7 In accordance with the Rules of Civil
 8 Procedure, I have read the entire transcript of
 9 my testimony or it has been read to me.
 10 I have listed my changes on the attached
 11 Errata Sheet, listing page and line numbers as
 12 well as the reason(s) for the change(s).
 13 I request that these changes be entered
 14 as part of the record of my testimony.
 15
 16 I have executed the Errata Sheet, as well
 17 as this Certificate, and request and authorize
 18 that both be appended to the transcript of my
 19 testimony and be incorporated therein.
 20
 21 Date Gaganpreet Kaur
 22 Sworn to and subscribed before me, a
 23 Notary Public in and for the State and County,
 24 the referenced witness did personally appear
 25 and acknowledge that:
 26 They have read the transcript;
 27 They have listed all of their corrections
 28 in the appended Errata Sheet;
 29 They signed the foregoing Sworn
 30 Statement; and
 31 Their execution of this Statement is of
 32 their free act and deed.
 33 I have affixed my name and official seal
 34 this _____ day of _____, 20____.
 35
 36
 37 Notary Public
 38
 39 Commission Expiration Date

<p style="text-align: right;">Page 126</p> <p>1 ERRATA SHEET 2 VERITEXT LEGAL SOLUTIONS MIDWEST 3 ASSIGNMENT NO: 5930128 4 PAGE/LINE(S) / CHANGE /REASON 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 Date Gaganpreet Kaur 21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ 22 DAY OF _____, 20_____. 23 _____ 24 Notary Public 25 _____ Commission Expiration Date</p>	

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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